

Shropshire Multi-Agency Risk Assessment Conference (MARAC)

OPERATING PROTOCOL



|  |  |
| --- | --- |
| **Status** | FINAL |
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| **Approving Body/Group** | Domestic Abuse Strategic Priority Group |
| **Date of Approval** | 21.9.2021 (Members amendments made Jan 2022) |

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## 

## Introduction

1. The purpose of the Shropshire Multi-Agency Risk Assessment Conference (MARAC) Operating Protocol is to establish accountabilities, responsibilities, and reporting structures for the Shropshire MARAC for all agencies involved. This protocol will also outline the process for referral and response to cases subject to the Shropshire MARAC.
2. The Shropshire MARAC Operating Protocol forms part of the [Shropshire Domestic Abuse Pathway](https://shropshire.gov.uk/media/15413/domestic-abuse-pathway-updated-june-2020.pdf). It is designed to enhance and work in conjunction with other Shropshire Safeguarding Community Partnership Multi-Agency Procedures, which can be accessed on the following websites:

* [Keeping Adults Safe in Shropshire](http://www.keepingadultssafeinshropshire.org.uk/)
* [Shropshire Council Community Safety Pages](https://www.shropshire.gov.uk/crime-and-community-safety/)
* [Safeguarding Shropshire’s Children](http://www.safeguardingshropshireschildren.org.uk/)

### Ensuring Equality

1. In applying this multi-agency protocol, agencies must ensure that they adhere to their public sector equality duties as outlined in [s149 Equality Act 2010](https://www.legislation.gov.uk/ukpga/2010/15/section/149). In particular to ensure that any person who is experiencing domestic abuse has equality of access to and a response from the MARAC process. Specific actions to achieve this include:

* Ensuring specialist agencies or representatives participate in the MARAC where appropriate
* Monitoring equality. The MARAC Coordinator will collate information on the profile of the local population in order to understand its diversity in order to allow comparison with national averages (in conjunction with Safe Lives).

## 2.0 What is a Multi-Agency Risk Assessment Conference (MARAC)?

1. MARAC is a Multi Agency Risk Assessment Conference, in which victims of domestic abuse *(*as defined by Part 1 Domestic Abuse Act 2021 and also including other dependants*)* who have been identified as being at risk of serious harm or homicide are referred to and discussed.
2. SafeLives have produced [Resources for MARAC Meetings](https://safelives.org.uk/practice-support/resources-marac-meetings) which all signatories to this Protocol are encouraged to refer to in improving their understanding of the MARAC process.
3. In Shropshire, the MARAC is:

* Scheduled monthly
* Attended by representatives from a range of agencies (see [Membership](#_2.__Membership,) below).
* Focused on the risk of serious harm to victims referred to MARAC. The victims views and wishes about the domestic abuse they are experiencing and what help and protection they need are central to the process. The victim does not attend the meeting but is represented (with their agreement) by an Independent Domestic Violence Advisor (IDVA) who represents their views and wishes and ensures that victim’s safety remains the focus of the meeting. An alternative agency can be nominated if the victim prefers.

1. The objectives of a MARAC are to:

* Share relevant information in a single meeting, to enable an up to date and timely assessment of risk to the victim and their dependents.
* Determine who the perpetrator of domestic abuse poses a significant risk to.
* Construct jointly and implement a multi-agency action plan to address the identified risks to the victim and their dependants and from the perpetrator, to increase the safety health and wellbeing of all those at risk. The responsibility to take appropriate actions and manage the ongoing risk to the victim and from the perpetrator rests with individual agencies; it is not transferred to the MARAC. Agreed MARAC actions will be recorded and monitored by the MARAC Co-Ordinator on the Victim’s Police Risk Management Plan.
* Reduce repeat repeated harms.
* Make links with other multi-agency meetings and processes to safeguard children and adults with care and support needs and manage the behaviour of the perpetrator.
* Improve support for and the safety of staff involved in high risk domestic abuse cases.

1. Agencies do not have to wait until a case has been discussed at MARAC before taking action to address or manage risk to the victim. All agencies should follow the [Shropshire Domestic Abuse Pathway](https://shropshire.gov.uk/media/15413/domestic-abuse-pathway-updated-june-2020.pdf) when a person is [identified](#_Identification) as being at risk of domestic abuse. It may be relevant for a victim to receive help prior to the meeting and information regarding this brought to the MARAC meeting.

## 3.0 Membership, roles and responsibilities

### Shropshire MARAC Member Agencies:

* Army Welfare Service (AWS)
* Connexus Homes Ltd
  + Midlands Partnership Foundation NHS Trust
* The Probation Service
* Robert Jones Agnes Hunt NHS Trust
* Housing Plus Group
  + Shrewsbury and Telford Hospitals NHS Trust
  + Shropshire Community Health NHS Trust
  + Shropshire and Telford Clinical Commissioning Group
* Shropshire Council: Adult Social Care
* Shropshire Council: Children Social Care
* Shropshire Council: Early Help
* Shropshire Council: Housing Options
* Shropshire Council: Learning and Skills
* Shropshire Domestic Abuse Service
* Shropshire Fire and Rescue Service
* Shropshire Recovery Partnership
* Soldiers, Sailors, Airmen and Families Association (SSAFA)
* Victim Support
* West Mercia Police (includes Chair and MARAC Co-Ordinator)
* West Mercia Women’s Aid (Independent Domestic Violence Advisors)
* West Mercia Rape and Sexual Abuse Support Centre (WMRSASC (Independent Sexual Violence Advisors)
* Axis Counselling (Independent Sexual Violence Advisors)
* West Mercia Youth Justice Service
* Wrekin Housing Trust

1. Other agencies may be invited to MARAC to discuss a case/individual(s) because of their professional involvement with individual(s) involved.
2. All member agencies must have [signed this Operating Protocol](#_9.__MARAC) and Shropshire [MARAC Information Sharing Protocol](https://shropshire.gov.uk/crime-and-community-safety/domestic-abuse/multi-agency-risk-assessment-conference-marac/)

### MARAC lead agency

1. West Mercia Police are the lead agency responsible for co-ordinating and managing the MARAC process. This is enabled by way of:

* A MARAC Co-Ordinator
* A MARAC Chair (Detective Inspector level)

1. All communication related to MARAC should be sent securely via the MARAC Co-Ordinator to: [marac.shrop@westmercia.pnn.police.uk](mailto:marac.shrop@westmercia.pnn.police.uk)
2. All victims identified through the MARAC process are allocated and their risks managed by an identified Domestic Abuse Risk Officer (DARO)

**The role of the agency MARAC Representative**

1. All member agencies listed above should have a named MARAC representative who should be of an appropriate level of seniority to commit to actions on behalf of their agency.
2. The MARAC representative is the key link between the MARAC and their agency and acts as a Point of Contact (PoC) to that agency about the MARAC. They are also responsible for the management of information to and from their agency related to MARAC.
3. MARAC representatives are expected to:

* **Prepare**: Ensure their agency has a system in place to support the MARAC and relevant staff are appropriately trained to identify and refer MARAC cases.
* **Attend:** Consistency of attendance is strongly encouraged to reinforce and develop practical working relationships. If a MARAC representative is unable to attend then the representative should inform the MARAC Coordinator in advance of the meeting and a substitute representative should attend on behalf of the agency.
* **Contribute**: Ensure that they bring relevant and current information known by their agency which will assist in assessing and responding to the risks to the victim and their dependents. They will be expected to share relevant and proportionate information regarding the victim, children, other dependents, and the perpetrator in accordance with the [MARAC Information Sharing Protocol](https://shropshire.gov.uk/crime-and-community-safety/domestic-abuse/multi-agency-risk-assessment-conference-marac/) .
* **Respond**: Ensure that where appropriate they commit to agreed actions by their agency and ensure that these actions are acted upon as agreed at the MARAC.

1. Requests for a new MARAC representative or agency should be made to the MARAC Coordinator. Prior to attending a MARAC new agencies and representatives should:

* Ensure that both this Protocol and the Information Sharing Protocol are signed by their agency.
* Provide a secure email address to enable all MARAC correspondence to take place.
* Complete the MARAC induction.

## 4.0 Governance and Performance Management

* 1. **Shropshire Safeguarding Community Partnership Domestic Abuse Priority Group** is responsible for the governance and strategic multi-agency oversight of the Shropshire MARAC. The MARAC Chair reports to and attends this group and will provide a MARAC update at each meeting. Oversight includes:
* Resolving or escalating any issues raised by the MARAC Chair that cannot be resolved at MARAC meetings.
* Monitor and evaluate data to contribute to the multi-agency profile of Domestic Abuse and ensures the impact and effectiveness of the MARAC process in Shropshire.
* Monitor and regularly assess the overall performance of the Shropshire MARAC and ensure that it operates within the [Safe Lives: 10 principles of an effective MARAC](https://safelives.org.uk/sites/default/files/resources/The%20principles%20of%20an%20effective%20MARAC%20FINAL.pdf)
* To ensure that MARAC operates in line with legal responsibilities and keeps up to date with changes to legislation and national guidance.
* Ensuring that there is a multi-agency Shropshire Domestic Abuse Pathway, which includes the MARAC process.
* Ensuring the existence and regular review of a multi-agency MARAC Operating and Information Sharing Protocol that meets required legislative responsibilities and national good practice guidelines. It is the responsibility of the [Lead Agency](#_MARAC_Chairing_and) to ensure that the Protocols are being adhered to and raise and risks or issues that cannot be resolved to the Strategic Group.
* To oversee efforts to raise awareness with local agencies about the Shropshire MARAC
* To communicate to the public, to stakeholders and to the government about the successes of the Shropshire MARAC.

## 5.0 Local Process

### Identification

1. Domestic Abuse is defined by [Part 1 Domestic Abuse Act 2021](https://www.legislation.gov.uk/ukpga/2021/17/part/1/enacted).
2. When domestic abuse is identified; all agencies must follow the [Shropshire Domestic Abuse Pathway](https://shropshire.gov.uk/media/15413/domestic-abuse-pathway-updated-june-2020.pdf).
3. Any agency (including those working with perpetrators of abuse) can and should identify and refer to MARAC: any person who is a victim of domestic abuse **and** meets the Shropshire MARAC criteria.
4. Domestic abuse can be identified in a number of ways, including:

* disclosure or direct reporting from victims (including their dependents),
* third party reporting or disclosure or as a result of suspicions arising from the behaviour or appearance of an individual or their dependents.

### MARAC assessment and referral

1. The Shropshire Domestic Abuse Pathway includes the process for [MARAC assessment and referral](#_Appendix_1:_MARAC).
2. MARAC assessment and referral should take place with the consent of the identified victim.
3. If the victim has not been consulted in the completion of the MARAC assessment and referral (because it is assessed by the identifying agency as unsafe or inappropriate to do so) or does not consent to being referred to MARAC; then the referring agency must also complete and send with the MARAC assessment and referral an [‘Information Sharing without Consent’ form](#_Appendix_2:_MARAC)*.*

### Shropshire MARAC criteria

1. Shropshire use the [SafeLives](https://safelives.org.uk/practice-support/resources-marac-meetings/resources-people-referring) MARAC referral criteria that are outlined in the [MARAC assessment and referral](#_Appendix_1:_MARAC).

### Post-referral

#### Referrals (MARAC Co-Ordinator)

1. Referrals will be accepted up to fourteen days prior to the MARAC meeting to facilitate a timely agenda submission.
2. Emergency cases will be included where appropriate. (see [Emergency MARAC](#_Emergency_MARACs))
3. Any routine enquiry in relation to any MARAC case should be routed through the agency representative to the MARAC Coordinator who can then assess the enquiry and take the appropriate action
4. Cases referred from other MARACs will be risk assessed as a priority and accordingly will be referred to MARAC as appropriate.
5. MARAC cases that are referred to another area MARAC, will be forwarded with a MARAC to MARAC Referral, together with documented MARAC minutes

Before the meeting: management of risk (All)

1. The MARAC does not take away an agency’s statutory duties and responsibilities to take immediate action to ensure the safety of high-risk victims, particularly with regard to statutory duties to prevent and detect crime, and/or safeguard children or adults with care and support needs. Agencies must follow the [Shropshire Domestic Abuse Pathway](https://shropshire.gov.uk/media/15413/domestic-abuse-pathway-updated-june-2020.pdf). The responsibility to take appropriate actions rests with individual agencies; it is not transferred to the MARAC. Any immediate actions taken should be outlined in the MARAC assessment and referral or an update provided to the MARAC Co-Ordinator prior to the meeting.

Before the meeting: victim involvement (All)

1. The referring agency has the responsibility of notifying the victim that a MARAC is being convened. In the event of the referring agency assessing that it is unsafe or inappropriate to inform the victim then a [MARAC Information Sharing without consent form](#_Appendix_2:_MARAC) will be completed.
2. The MARAC Coordinator will inform the Independent Domestic Violence Advisor (IDVA) service within 48hrs of new MARAC referrals with the relevant contact details.
3. The IDVA will make all efforts prior to the meeting to contact the victim to provide information relating to the MARAC and to discuss safety planning. The IDVA will bring the views of the victim to the meeting where consent has been obtained.
4. Where IDVA services are declined by the victim and engagement with another agency is made (e.g. domestic abuse services or police domestic abuse risk officer), this agency can bring the victim’s views to the meeting instead.
5. Specific target hardening actions to minimise risk to and increase the security of the victim and their property will be offered to victims who are the subject of MARAC as appropriate.

Meetings (All)

1. MARAC meetings will be recorded, downloaded, and stored in line with the [MARAC Information Sharing Protocol](https://shropshire.gov.uk/crime-and-community-safety/domestic-abuse/multi-agency-risk-assessment-conference-marac/).
2. All members are responsible for:

* Adhering to the [Confidentiality Statement](#_Appendix_3:_MARAC)  read out by the Chair of the meeting.
* Completing actions identified at MARAC within 2 weeks or within a specified time frame by agencies.
* Notifying the MARAC Co-Ordinator of completed actions or failure to complete actions within deadlines.

1. The MARAC Co-Ordinator is responsible for:

* Arranging and distributing a list of meeting dates and referral deadlines to MARAC representatives at the beginning of each financial year.
* Receiving MARAC referrals and placing them on the agenda for discussion. No individual case should last longer than 15 minutes.
* Preparing and circulating the [agenda](#_Appendix_4:_MARAC) 10 working days prior to the MARAC enabling agencies to research and obtain their information.
* Presenting any reports verbally from absent agencies.
* Co-ordinating relevant information and actions arising out of MARAC meetings. This includes recording, circulating, and monitoring the completion of individual case actions arising from the MARAC.
* Informing all agencies of expired MARAC cases by virtue of the fact they have not been heard in the preceding 12 months (known as de-flagging).

1. Meetings are led by the MARAC Chair. The role of the Chair is to:

* Manage MARAC meetings in accordance with the [SafeLives principles of an effective MARAC](https://safelives.org.uk/sites/default/files/resources/The%20principles%20of%20an%20effective%20MARAC%20FINAL.pdf).
* Ensure that agency representatives understand their agreed actions.
* Review any actions outstanding from the previous meetings.
* Ensure they raise and identify issues for the Shropshire Safeguarding Community Partnership Domestic Abuse Strategic Priority Group.

1. Referring agencies are responsible for:

* Attending to present the MARAC assessment and referral for the victim.
* Ensuring they arrange for the referral to be presented on their behalf if they cannot attend.

1. MARAC representatives are responsible to ensure they carry out their [role](#_Shropshire_MARAC_Member) as outlined above.

#### Action Planning

1. Action plans will be developed at MARAC to increase the safety of the victim, children, vulnerable parties, agency staff, and the perpetrator. All actions will be developed in a Specific Measurable Achievable Realistic Timebound Anti-Discriminatory (SMARTA) format; and will include identified risks and relevant information in relation to risk and safety. Action plans are produced and circulated within two working days of the meeting.
2. The responsibility to take appropriate actions rests with individual agencies; it is not transferred to the MARAC

#### Emergency MARACs

1. An emergency MARAC meeting is an exceptional event. It is only called when a victim/survivor is assessed as being at a “Very High Risk of Harm or Homicide”, and the risk of harm is so imminent that statutory agencies have a duty of care to act at once, rather than wait for the next MARAC. Immediate safeguarding action should not be delayed.

1. The process for calling an Emergency MARAC is as follows –
2. Agencies submit an emergency MARAC referral to the MARAC Coordinator.
3. The MARAC Coordinator contacts other relevant statutory agencies and convenes the emergency meeting as soon as possible.
4. The referring agency must attend the meeting, with the relevant information relating to the risk.
5. Urgent actions should be agreed and executed immediately to safeguard the victim.

## 6.0 Complaints

1. Any organisational complaints concerning MARAC should be directed to the MARAC Chair in the first instance. If the MARAC Chair is unable appropriately manage or resolve the complaint, it should be escalated to the Shropshire Safeguarding Community Partnership Domestic Abuse Strategic Priority Group Chair.
2. Complaints against individuals will be dealt with by the employee’s agency.

## 7.0 Breaches

1. Any breaches of this protocol should be directed to the MARAC Chair in the first instance. If the MARAC Chair is unable appropriately manage or resolve the breach, it should be escalated to the Shropshire Safeguarding Community Partnership Domestic Abuse Strategic Priority Group.

## 8.0 Withdrawal

1. Any agency who wishes to withdraw from this protocol is required to write to the MARAC Chair. The writer must have the required authority from their agency and must outline their specific reasons for the withdrawal. The MARAC Chair will report the withdrawal to the Shropshire Safeguarding Community Partnership Domestic Abuse Strategic Priority Group and reply to the agency highlighting the importance of MARAC for all agencies and the method of re-joining in the future.

## 9.0 Review

1. Shropshire Safeguarding Community Partnership will review this protocol every three years. The nominated holder of this Protocol are the lead agency West Mercia Police who are responsible for ensuring that all MARAC member agencies are signed up to this Protocol, along with the MARAC Information Sharing Protocol, before participating in the MARAC process.

## 10.0 MARAC Protocol Signatories

By signing the MARAC Operating Protocol, I accept responsibility for its execution and agree to ensure that staff in my agency/area of service are trained to understand the MARAC Process and apply this Protocol.

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

Name

Signature

Organisation

Position

Date



**Shropshire MARAC - PLEASE E-MAIL VIA SECURE E-MAIL TO:**

[**marac.shrop@westmercia.pnn.police.uk**](mailto:marac.shrop@westmercia.pnn.police.uk)

|  |
| --- |
| MULTI AGENCY MARAC ASSESSMENT & REFERRAL FORM |

**MARAC does not absolve professionals from undertaking their duties to reduce the risk to victims or sharing information with statutory and support networks. There are local responsibilities to support Domestic Abuse victims and perpetrators and appropriate referrals to these services can and should be made prior to the MARAC meetings.**

**The referring agency is required to attend the MARAC to present the case, if this is not possible please provide details of the agency representative who will attend and present the case on your behalf (they must be fully informed of up to date information at the date of the meeting).**

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| Referring agency: |  | | | | | | |
| Referrers name(s): |  | | | | | | |
| Telephone/email: |  | | | | | | |
| Date: |  | | | | | | |
| Victim name: |  | | | Victim DOB: | | |  |
| Address: |  | | | | | | |
| Telephone number: |  | | | | | | |
| Is this number safe to call? | Y  N | | | | | | |
| Please provide any relevant information regarding contact: | | | | | | | |
|  | | | | | | | |
|  |  |  | | |  | | |
| **Victim Equality Information** (as identified by victim.) | | | | | | | |
| Gender | Click or tap here to enter text. | | Nationality | | | Click or tap here to enter text. | |
| Ethnicity | Click or tap here to enter text. | | Sexual Orientation | | | Click or tap here to enter text. | |
| Disability | Click or tap here to enter text. | | Religion | | | Click or tap here to enter text. | |
| Perpetrator(s) name: |  | | Perpetrator(s) DOB: | | |  | |
| Perpetrator(s) address: |  | | Relationship to victim: | | |  | |
| **Perpetrator Equality Information** (where known, state source) | | | | | | | |
| Gender | Click or tap here to enter text. | | Nationality | | | Click or tap here to enter text. | |
| Ethnicity | Click or tap here to enter text. | | Sexual Orientation | | | Click or tap here to enter text. | |
| Disability | Click or tap here to enter text. | | Religion | | | Click or tap here to enter text. | |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Dependents (Children/Adults) (please add extra rows if necessary) | | | | |
| Name | DOB | Relationship to victim | Relationship to perpetrator | Address (if different to victim) |
|  |  |  |  |  |

**Risk Assessment Factors**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Professional Judgement: | Y | Visible High Risk (14 ticks or more on the Safelives DASH (Domestic Abuse, Stalking & Harassment) RIC (Risk Indicator Checklist) | Y | Potential Escalation: | Y |
| N | N | N |

**Reason for Referral/Additional Information**

|  |  |
| --- | --- |
| Reason for Referral: | |
|  | |
| Has the Domestic Abuse stalking and harassment (dash) – Risk indicator checklist (ric) been completed with the victim? | Y  N |
| Is the victim aware of MARAC referral? | Y  N |
| Has the victim agreed to the MARAC referral and for information given to be shared? | Verbal  Signed  No consent |
| **If no consent: has** [**Information Sharing Without Notifying the Victim**](https://shropshire.gov.uk/crime-and-community-safety/domestic-abuse/multi-agency-risk-assessment-conference-marac/) **been completed?** | Y  N |
| Explain what the MARAC process is. Use the SafeLives [What is a MARAC?](https://youtu.be/120kSXCUDic) Video to help .  Ask the victim to read the consent statement below (or ensure that you explain the statement to them in a way which supports them to make their own decision where possible). Then ask them to sign below or indicate if verbal consent has been obtained.  **Please explain that regardless of agreement being refused, if there are life threatening or child protection issues this information will be shared under the conditions of data protection legislation of compliance with legal obligations, protection of vital interests, and/or performance of a task carried out in the public interest.**  Victim Consent Statement  It has been explained to me that this form is being completed to help understand whether I am at risk from domestic abuse and whether to refer me to the Multi-Agency Risk Assessment Conference (MARAC) process.  This form has/has not *[delete as appropriate]* been completed with my involvement and consent.  I agree/do not agree *[delete as appropriate]* with information in this form being shared with partner agencies for the purposes of MARAC and to help secure my safety and that of my family.  I understand that if I do not agree that the person who is completing this form may need to share relevant and essential information with others anyway because the laws says they must, to protect my safety or the safety of others or because of another legal reason.  Date:  Signature: | |
| **If No Consent given, and/or the victim has not been informed of the referral, consider sharing information under GDPR, Data Protection Act 2018, Human Rights, and Common Law and in the interests of public safety. A practitioner can share information lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional, or mental harm, or if it is protecting their physical, mental, or emotional well-being. (GDPR and Data Protection Act 2018)**  **Data Protection and Caldecott guidelines should be considered jointly when sharing information.** | |

**CRiteria for referring a case to MARAC**

**There are four criteria for a referral to Marac;**

#### Visible High Risk

This is an assessment based on actuarial data, involving the use of risk indicators to assess the probability of serious harm or homicide. For domestic abuse cases, the number of ‘yes’ answers on the DASH usually determines the level of risk.

SafeLives recommends that 14 ‘yes’ answers on the Dash should result in a referral to MARAC. However, completing the DASH is not a simple ‘tick box’ exercise and, even where there is a lower number of ticks, professional judgement should be used to inform the overall assessment of risk. In addition, professional judgement should not be used to ‘downgrade’ an actuarial risk assessment.

#### Professional Judgement

Professional judgement involves an assessment of dangerousness based on an individual practitioner’s consideration of a situation but will naturally use the information from the DASH checklist to inform this judgement. However, in addition to using the DASH it is crucial that professionals use their full range of knowledge to make an assessment; this knowledge will usually be gained through experience, reflection, and deliberation. This form of assessment relies heavily on the skill and experience of the practitioner in order to make an informed decision of likely risk.

In domestic abuse settings, professional judgement will be informed by the practitioner’s knowledge of domestic abuse and its manifestations.

Referrals to MARAC can be made based solely on professional judgement. However, it is the practitioner’s responsibility to articulate what their concerns are and the reasons for the referral.

#### Potential Escalation

The potential for escalation can be assessed by looking at the frequency and/or severity of abuse.

It is common practice for services to determine there is a potential for serious harm or homicide when three domestic abuse events have been identified in a 12-month period. For example, three attendances at A&E, three police call outs or three calls to make housing repairs. This should alert professionals to the need to consider a referral to MARAC.

**Repeat Referral**

SafeLives defines a ‘repeat’ as ANY instance of abuse between the same victim and perpetrator(s), within 12 months of the last referral to MARAC.

The individual act of abuse does not need to be ‘criminal’, violent or threatening but should be viewed within the context of a pattern of coercive and controlling behaviour.

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

* Unwanted direct or indirect contact from the perpetrator and/or their friends or family
* A breach of police or court bail conditions
* A breach of any civil court order between the victim and perpetrator
* Any dispute between the victim and perpetrator(s) including over child contact, property, divorce/ separation proceedings etc.

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

Further incidents include any of the following types of behaviour, which, if reported to the police, would constitute criminal behaviour:

* violence or threats of violence to the victim (including threats against property); or
* a pattern of stalking or harassment; or
* rape or sexual abuse.

The MARAC will also consider repeat referrals where there has not been a further incident but where there has been a change in circumstances which may mean an increased risk and thus a need for MARAC agencies to reconsider the victim’s safety e.g. where the perpetrator has been released from prison.

The following do not constitute a repeat case and should be treated as a new referral to the MARAC:

* Where a case is referred to the MARAC involving the same victim but a different perpetrator or group of perpetrators
* Where a case is referred to the MARAC involving the same perpetrator but a different victim
* Cases which were previously discussed at the MARAC more than 12 months previously

**DOMESTIC ABUSE, STALKING AND HARRASSMENT (DASH) –**

**RISK INDICATOR CHECKLIST (RIC)**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Please also refer to:   * [Shropshire Domestic Abuse Pathway](https://shropshire.gov.uk/media/15413/domestic-abuse-pathway-updated-june-2020.pdf) * [SafeLives’ Resources for identifying the risks victims face](https://safelives.org.uk/practice-support/resources-identifying-risk-victims-face) includes:   + Quick Start Guidance   + Alternative DASH-RIC simplified for young people that can also be used for people who may benefit from clear and simple language   + DASH-RIC in a variety of different languages.   Please submit alternatives with this form in place of the below.  Please explain that the purpose of asking these questions is for the safety and protection of the individual concerned.  Tick the boxes if a factor is present. If necessary, please use an additional sheet to expand on any answer.  It is assumed that your main source of information is the victim. If this is not the case please indicate in the right hand column.  If a referral is made into MARAC, wherever possible please ask the victim to agree and sign to information sharing. | | | | | |
|  |  |  |  |  |  |
| **Questions 1 - 24** | | **Yes** | **No** | **Don’t Know** | **Source of info if not from victim** |
| 1. | Has the current incident resulted in injury?  *(Please state what and whether this is the first injury)*  **Comment:** |  |  |  |  |
| 2. | Are you very frightened?  **Comment:** |  |  |  |  |
| 3. | What are you afraid of? Is it further injury or violence  *(Please give an indication of what you think …….…………….. might do and to whom, including the children)*  **Comment:** |  |  |  |  |
| 4. | Do you feel isolated from family/friends  *(i.e. does …….…….……….. try to stop you from seeing friends, family, doctor, or others)*  **Comment:** |  |  |  |  |
| 5. | Are you feeling depressed or having suicidal thoughts?  **Comment:** |  |  |  |  |
| 6. | Have you separated or tried to separate from ……….………….. within the past year?  **Comment:** |  |  |  |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Questions (continued)** | | **Yes** | **No** | **Don’t Know** | **Source of info if not from victim** |
| 7. | Is there conflict over child contact?  **Comment:** |  |  |  |  |
| 8. | Does ………….…….…. constantly text, call, contact, follow, stalk or harass you?  *(Please expand to identify what and whether you believe that this is done to deliberately intimidate you? Consider the context and behaviour of what is being done)*  **Comment:** |  |  |  |  |
| 9. | Are you pregnant or have you had a baby within the last 18 months.  **Comment:** |  |  |  |  |
| 10. | Is the abuse happening more often?  **Comment:** |  |  |  |  |
| 11. | Is the abuse getting worse?  **Comment:** |  |  |  |  |
| 12. | Does ……….…….……. try to control everything you do and/or are they excessively jealous?  *(In terms of relationships, who you see, being ‘policed’ at home, telling you what to wear for example. Consider ‘honour’-based violence and specify behaviour)*  **Comment:** |  |  |  |  |
| 13. | Has …….…………….. ever used objects or weapons to hurt you?  **Comment:** |  |  |  |  |
| **Questions (continued)** | | **Yes** | **No** | **Don’t Know** | **Source of info if not from victim** |
| 14. | Has ……….………….. ever threatened to kill you or someone else and you believed them*? (If yes, please specify whom and why. Consider extended family if Honour Based Violence.)*  **You □ Children □ Other (please specify) □**  **Comment:** |  |  |  |  |
| 15. | Has ……….………….. ever attempted to strangle, choke, suffocate or drown you?  **Comment:** |  |  |  |  |
| 16. | Does …………….…….. do or say things of a sexual nature that makes you feel bad or that physically hurt you or someone else? *(If someone else specify who.)*  **Comment:** |  |  |  |  |
| 17. | Is there any other person who has threatened you or you are afraid of? *(If yes, please specify whom and why. Consider extended family if Honour Based Violence.)*  **Comment:** |  |  |  |  |
| 18. | Do you know if ………….……….. has hurt anyone else? *(Please specify whom including the children, siblings, or elderly relatives. Consider Honour Based Violence.)*  **Children □ Another family member □**  **Someone from a previous relationship □**  **Other (please specify) □**  **Comment:** |  |  |  |  |
| 19. | Has ……….………….. ever mistreated an animal or family pet?  **Comment:** |  |  |  |  |
| 20. | Are there any financial issues? For example are you dependent on ………….……….. for money or have they recently lost their job or are there other financial issues?  **Comment:** |  |  |  |  |
| **Questions (continued)** | | **Yes** | **No** | **Don’t Know** | **Source of info if not from victim** |
| 21. | Has …….…………….. had problems in the past year with drugs (prescription or other), alcohol or mental health leading to problems in leading a normal life. *(If yes please specify which and give relevant detail if known)*  **Drugs □ Alcohol □ Mental Health □**  **Comment:** |  |  |  |  |
| 22. | Has ………….……….. ever threatened or attempted suicide?  **Comment:** |  |  |  |  |
| 23. | Has ……….………….. ever broken bail/an injunction and/or formal agreement for when they can see you and/or the children or other family members? *(You may wish to consider this in relation to another person with whom the perpetrator is personally connected if relevant.)*  **Bail Conditions □**  **Non Molestation/Occupation Order □**  **Child Contact Arrangements □**  **Forced Marriage Protection Order □**  **Other □**  **Comment:** |  |  |  |  |
| 24. | Do you know if …….……………. Has ever been in trouble with the police or has a criminal history? *(If yes, please specify.)*  **DV □ Sexual Violence □ Other Violence □ Other □**  **Comment:** |  |  |  |  |
|  | **Total ‘YES’ responses** |  |  |  |  |

**PLEASE E-MAIL VIA SECURE E-MAIL TO:**

[**marac.shrop@westmercia.pnn.police.uk**](mailto:marac.shrop@westmercia.pnn.police.uk)

## 



**Shropshire**

**MARAC**

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## **Information sharing without notifying the victim**

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SafeLives recommend that all practitioners have a good working knowledge of the provisions in [The GDPR 2018 and the Data Protection Act 2018)](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/) and refer to the Information Commissioner’s Office (ICO) for advice and guidance on information sharing. You should also refer to internal policies and your Shropshire Safeguarding Community Partnership MARAC’s Operating Protocol and Information Sharing Protocol.

|  |  |  |  |
| --- | --- | --- | --- |
| **Name of client** |  | | |
| **Date of Birth** |  | | |
| **Address** |  | | |
| **Children** | **DOB** | **Address** | **School (if known)** |
|  |  |  |  |
|  |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Perpetrator name** |  | **DOB** |  |
| **Address (if different to above)** |  | | |

**Concerns and risk information**

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

##### Information sharing decision making process

To be kept on file

|  |  |  |
| --- | --- | --- |
| What information am I sharing? (be clear & concise) | |  |
| For what purpose am I sharing this information? | |  |
| With whom am I sharing this information (name agency/ies) | |  |
| Has the client met the MARAC referral criteria | | Visible high risk (DASH RIC)  Professional Judgment  Escalation in severity &/or frequency of abuse  Repeat referral |
| Lawful Basis for Sharing Information - consider Vital Interest / Legitimate Interest / MARAC ISP | |  |
| I am sharing information based on the legal authority of (tick one or more): | |  |
| Child Protection Act 2004 |  |  |
| s.115 Crime & Disorder Act 1998 |  |
| Pt 3. Schedule 8 Data Protection Act 2018 |  |
| Human Rights Act 2004 |  |
| Common Law |  |
| The Care Act 2014 |  |
| I have balanced the following considerations: | | |
| Information is relevant?  Information is adequate & necessary to achieve the purpose  Information is proportionate  Sharing this information will NOT significantly increase risk to the client/family | | |
| I have discussed this internally with: (line manager/senior practitioner) | | |
|  | | |
| Has the client been notified of or involved in the decision to share information?  Yes  Date:  No  Reasons for not informing client: | | |
| Referrer sharing the information: Date: | | |

Guidance for Sharing Information without notifying the victim

Sharing personal information is essential to safeguard the individual. [Article 5 of the GDPR](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/principles/) sets out seven key principles which lie at the heart of the general data protection regime.

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

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

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

You must ensure the information you share is:

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

##### Purpose

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

##### Lawful Basis

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

##### Consent

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

You must ensure the personal data you are processing is:

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

##### Safety

The safety of the victim and children living with domestic abuse is paramount.

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

##### Useful Links

SafeLives recommend that all practitioners have a good working knowledge of the provisions in [The GDPR 2018 and the Data Protection Act 2018)](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/) and refer to the ICO for advice and guidance on information sharing. You should also refer to internal policies and your local Marac Operating Protocol/Information Sharing Protocol.

* The ICO have published detailed guidance on [children and the GDPR](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/children-and-the-gdpr/).
* ICO guidance on [determining what is personal data](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/what-is-personal-data/).
* [The ICO guidance](https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/the-right-to-be-informed/) will help you to understand what information you need to provide people with when you collect their personal data, when it needs to be provided, and how you can provide it.
* [GDPR – A Briefing for Maracs (SafeLives)](http://www.safelives.org.uk/sites/default/files/resources/GDPR%20Briefing%20for%20Maracs__0.pdf)
* [s.115 Crime & Disorder Act 1998](https://www.legislation.gov.uk/ukpga/1998/37/section/115)

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

# MULTI AGENCY RISK ASSESSMENT CONFERENCE

## Confidentiality Declaration

**Date:**

THE CHAIR OF THE MEETING REMINDS ALL CONCERNED OF THE PROTOCOLS WITHIN THE AGREED INFORMATION SHARING PROTOCOLS.

Information discussed by the agency representative, within the ambit of this meeting is strictly confidential and must not be disclosed to third parties who have not signed up to the information sharing protocols without the agreement of the partners of the meeting.

All agencies should ensure that the minutes are retained in a confidential and appropriately restricted manner. These minutes will aim to reflect that all individuals who are discussed at these meetings should be treated fairly, with respect and without improper discrimination. All work undertaken at the meetings will be informed by a commitment to equal opportunities and effective practice issues in relation to race, gender, sexuality, and disability.

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.
6. To improve support for staff involved in high risk DV cases.

The responsibility to take appropriate actions rests with individual agencies; it is not transferred to the MARAC. The role of the MARAC is to facilitate monitor and evaluate effective information sharing to enable appropriate actions to be taken to increase public safety.

BY SIGNING THE ATTENDANCE DOCUMENT WE AGREE TO ABIDE TO THESE PRINCIPLES.

## SHROPSHIRE M.A.R.A.C. /21

# TUESDAY, 2021

At

## AGENDA

1. Opening Address by Chair, Apologies, and Introductions of all attendees

2. Chair reads out MARAC confidentiality statement.

3. Confidentiality statement signed by all attendees

4. Success feedback.

5. New Cases for MARAC in order of Cluster sites.

6. Chair to summarise Action Points.

7. Date of next meeting and meeting closed.

**Relevant outstanding actions for each cluster from the previous MARAC will be read out before the start of each cluster area for updates**.

**Shropshire North**

**09:30am Outstanding Actions from Shropshire North**

**Coffee Break Time**

**Shropshire South**

**11:30hrs Outstanding Actions from Shropshire South**

**Lunch Break at Time**

## Shropshire Central

**12:55hrs Outstanding Actions from Shropshire Central**