

East Sussex Multi-Agency Risk Assessment Conference Operating Protocol and Information Sharing Guidance

Contents

1 Introduction	2
<i>Part 1: MARAC Operating Protocol</i>	4
2 Partner Agencies	4
3 Governance and performance management	5
4 Process of the MARAC	6
5 Administration	14
6 Equality	15
7 Other matters	15
8 Evaluation	20
<i>Part 2: Information Sharing Guidance</i>	21
9 Information sharing	21
10 MARAC Information Sharing Guidance for partners	22
<i>Part 3: Arrangements for breaches, complaints, Freedom of Information Requests, withdrawal and review.</i>	29
<i>Part 4: The process by which partner agencies will sign up to this protocol.</i>	32
12 Signatories	32
Appendix One – List of key documents	33
Appendix Two – MARAC process map	34
Appendix Three: Examples of information shared	35
Appendix Four – Parties to the Agreement	36
Appendix Five – Agency Signatory Template	37

Contact information

MARAC East Sussex - Eastbourne, Wealden and Lewes / Hastings and Rother

Secure email MARAC.ESBH@eastsussex.gov.uk
 Website: <http://www.safeineastsussex.org.uk/MARAC-help.html>
 Telephone 01323 466013/ 07500224829

Specialist Domestic Abuse Service

Secure email portal.es@cgl.cjsm.net
 Website <http://theportal.org.uk/>
 Telephone 0300 323 9985

1 Introduction

1.1 This document (the Multi-Agency Risk Assessment Conference Operating Protocol and Information Sharing Guidance, hereafter the 'MOP') has two parts:

- **Part 1** (*sections 2 – 8*) sets out the manner, process and operation of the MARAC, as well as reporting and accountability
- **Part 2** (*section 9 – 10*) sets out information sharing requirements
- **Part 3** (*section 11*) sets out other arrangements relating to breaches, complaints, freedom of information, withdrawal and review
- **Part 4** (*section 12*) sets out the process by which partner agencies will sign up to this protocol.

1.2 A MARAC is a meeting that brings together representatives from a number of agencies in the local area to discuss the safety, health and well being of people experiencing domestic violence and abuse (and their children).

1.3 At the heart of a MARAC is the working assumption that no single agency or individual can see the complete picture of the life of a victim, but all may have insights that are crucial to their safety. The victim does not attend the meeting but is usually represented by a specialist domestic abuse service caseworker who speaks on their behalf. On occasion, when the domestic abuse case worker is not engaged with the victim, another agency may fulfil this role.

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

- Share information to increase the safety, health and well-being of High Risk victims/survivors and children
- Determine whether the alleged (alleged) perpetrator poses a significant risk to any particular individual or to the general community
- Construct jointly and implement a risk management plan that provides professional support to all those at risk and that reduces the risk of harm
- Reduce repeat victimisation
- Improve agency accountability
- Improve support for staff involved in High Risk domestic abuse cases.

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

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

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

'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members¹ regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- *psychological*
- *physical*
- *sexual*
- *financial*
- *emotional*'.

'Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.'

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

¹ Family members are: mother, father, son, daughter, brother, sister & grandparents; directly-related, in-laws or step-family.

Part 1: MARAC Operating Protocol

2 Partner Agencies

2.1 The agencies which attend the MARAC routinely include: statutory services such as the Police, Probation, Children's and Adult Social Care services, as well as the local specialist domestic abuse service and other voluntary and community organisations.

2.2 Each agency that routinely attends the MARAC will nominate:

- A representative (*'the MARAC representative'*) who will represent the agency at the meeting. This person must be able to bring research, offer action/s on behalf of their agency and where appropriate make decisions at the meeting. They should be an operational manager or, if they are a frontline professional, have delegated authority. In order to ensure consistent representation at the meeting, this representative must have an identified deputy
- A named contact who is responsible for strategic issues relating to the MARAC (*'the Single Point of Contact'*). This person will not attend the meeting routinely, but will be available to support the MARAC representative, support any internal or external audit processes and/or take a leadership role in relation to the MARAC process within the agency. The Single Point of Contact will also be responsible for liaising with the agency data controller as appropriate (in some cases, they may also be the agency data controller).

2.3 The MARAC Support Team will maintain a contact list of these representatives, including the name, role and contact details, alongside any other contacts identified by agencies (this may include administrative contacts who will conduct the research on behalf of the MARAC representative). This will be reviewed quarterly and will be shared with all MARAC representatives.

2.4 The role of the MARAC representative at the meeting is to ensure that their agency is able to share relevant, accurate and proportionate information relating to the cases discussed at MARAC in a timely fashion. The MARAC Representative also has responsibility for offering actions on behalf of their agency. Offering actions at the MARAC helps ensure that an effective and complete action plan is developed.

2.5 The type of information brought by agencies is described in *Appendix 3*. Agencies are also required to identify what routine actions they may offer at the MARAC when signing up to the MOP (see *Appendix Five*).

2.6 It is recognised that the MARAC representative will change from time to time. Where a new MARAC representative is nominated by an agency, the following is recommended:

- The outgoing representative should inform the MARAC Support Team of the change in representative
- A handover from the outgoing representative to the new representative should be given, particularly highlighting any outstanding or ongoing actions for that agency. Where practicable the incoming representative should shadow the outgoing representative at a MARAC
- The MARAC Support Team will contact the incoming representative and offer a one-to-one meeting to explain the MARAC Operating Protocol and provide further background materials (e.g. the relevant SafeLives representative's toolkits²) as required
- The incoming representative should attend relevant local training to ensure that they have a good understanding of domestic abuse, common dynamics, risk assessment and risk management, as well as the MARAC process.

2.7 Additional agencies will be invited on a case by cases basis as appropriate and will be required to sign a confidentiality declaration.

2.8 There are a range of resources and training to support agency participation in the MARAC, which can be accessed via the MARAC website in both Brighton & Hove and East Sussex (including the document: '*Practitioner Guide to the Multi-Agency Risk Assessment Conference (MARAC)*'). Help and support in relation to specific cases is also available from the MARAC Support Team.

3 Governance and performance management

3.1 The aims of the MARAC are set out above and will contribute to the wider strategic aims of the Safer East Sussex Community Safety Partnership specifically: *Residents and communities are free from domestic abuse.*

3.2 The MARAC will be a standing item for the Domestic Abuse and Sexual Abuse Management Oversight Board, which shall act as a Steering Group. This group meets every quarter with a membership that includes members of the organisations represented at the MARAC and other key partners from the wider partnership.

3.3 The Steering Group will:

- Monitor and evaluate the data from the MARAC
- Ensure that effective partnerships are maintained with other safeguarding and public protection bodies and other MARAC areas
- Monitor and regularly assess the overall performance of the MARAC and ensure it operates in line with national best practice
- Address operational issues
- Report to strategic partnership on a quarterly basis
- Oversee efforts to raise awareness with local practitioners about the MARAC

² <http://www.safelives.org.uk/practice-support/resources-marac-meetings/resources-people-referring>

- Communicate the performance of the MARAC to key stakeholders
- Conduct/participate in reviews following a 'near miss' or domestic homicide where appropriate
- Ensure that the MARAC operates in line with legal responsibilities and keeps up-to-date with changes to legislation national guidance.

4 Process of the MARAC

Identification of MARAC cases

4.1 All agencies involved in the MARAC ensure that:

- They have procedures in place to enable an effective response to disclosure or the identification of domestic violence and abuse
- Staff can access training to 'ask and act' about domestic violence and abuse,
- Staff can access training about, and have confidence to use, the **Domestic Abuse Stalking and Honour Based Violence Risk Indicator Checklist (DASH RIC)**³
- Any staff member who is likely to come into contact with victims of domestic violence and abuse has access to support; it is best practice to have a named Domestic Abuse Lead who can provide support in these cases.

4.2 At the point a victim/survivor makes a disclosure, or where domestic violence and abuse is identified, it is good practice to complete a DASH RIC. The DASH RIC is designed to help professionals make an accurate and fast assessment of the danger someone is in, i.e. it is an evidence based judgement of risk of serious harm or homicide. The RIC also helps professionals to identify what support someone might need, which could include a MARAC referral:

- A case is considered High Risk if any of the below referral criteria are met (*see 4.5 below*)
- Where a case is identified as Standard or Medium risk, while this would not meet the MARAC threshold, agencies should provide advice on the help and support that is available locally, including onward referral to specialist services where appropriate.

4.3 While the DASH RIC is the recommended and preferred tool to inform referral to MARAC, there are other tools used by some professional groups (e.g. the Probation Service uses SARA). In these cases, professionals should use the appropriate tool, however, the MARAC referral should be supported by evidence, preferably in the form of a fully completed DASH RIC, which can – where appropriate – capture third party information.

³ Available at www.safeineastsussex.org.uk/MARAC-help.html or www.safeinthecity.info/marac

4.4 Agencies must also have a process for identifying and responding to safeguarding concerns for Adults and Children and the responsibility to make a referral in these cases is not transferred to the MARAC.

- There are 'additional questions' in the DASH RIC relating to children and adults, which prompt consideration of risks and a safeguarding referral.

Criteria for MARAC

4.5 A case is considered High Risk if any of the following criteria is met:

- Professional judgement of High Risk⁴ of serious harm⁵ or significant concern for safety: if a professional has serious concerns about a victim's situation, they should refer the case to MARAC. There will be occasions where the particular context of a case gives rise to serious concerns even if the victim has been unable to disclose the information that might highlight their risk more clearly. This could reflect extreme levels of fear, cultural barriers to disclosure, immigration issues or language barriers particularly in cases of 'honour'-based violence. This judgement would be based on the professional's experience and/or the victim's perception of their risk even if they do not meet criteria below
- Visible High Risk: 14 or more 'yes answers' or 'ticks' on the SafeLives-DASH risk identification checklist (RIC).
- Potential Escalation: 3 or more incidents as a result of domestic violence or abuse in the past 12 months. This criterion can be used to identify cases where there is not a positive identification of a majority of the risk factors on the RIC, but where abuse appears to be escalating and where it is appropriate to assess the situation more fully by sharing information at MARAC
- MARAC repeat: where there is a further incident within 12 months from the date of the last MARAC referral and there has been a further incident, regardless of whether it has been reported to the police or the level of risk), the case should be referred back to the MARAC. There is a national definition for a MARAC Repeat⁶.

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

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

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

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

⁶ Available at www.safelives.org.uk/definition-repeat-marac

Referral

4.6 At the point at which a case is identified as High Risk, a referral to the MARAC should be made. Any professional can make a MARAC referral although in practice agencies may have an internal process of identifying and managing referrals through a Domestic Abuse Lead. Referrals must be made using the **MARAC / IDVA Referral Form**⁷.

4.7 The victim should normally be involved and informed about the referral to the MARAC. It is helpful to explain the MARAC process at the point of completing a risk identification checklist / making the referral so that the victim can understand how agencies will work together to help increase their safety by offering services or support:

- There is a MARAC Leaflet available which includes information for victims on the MARAC process
- The MARAC / IDVA Referral Forms asks the referring professional to identify contact details for the victim, including any safe contact information
- The MARAC / IDVA Referral Form includes a prompt for professionals to indicate whether the victim has consented to the MARAC and/or is aware of the MARAC.
- In some cases a victim may be referred to the MARAC without their consent. In these cases, practitioners must assess whether it is proportionate and defensible to share information, depending on the level of risk which the victim is facing. If a professional is making a referral to the MARAC, and they do not have the consent of the victim to do so, they must follow their agency's guidance on information sharing in such cases
- There is a template **MARAC Information Shared without Consent Form** available from SafeLives⁸ which may help evidence a decision to share without consent.

4.8 As part of the MARAC referral, professionals should also consider whether a disclosure under the Domestic Violence Disclosure scheme would be appropriate (if this has not already been considered).

- The MARAC referral form includes a prompt to remind professionals to do this and, if an application under this scheme needs to be made, the referrer must complete a **DVDS Minimum Standards Form**⁹ and email it to the Contact Centre at Sussex Police (*see 7.1 – 7.6 below*).

4.9 A completed **MARAC / IDVA Referral Form** should be sent to the MARAC Support Team, using Secure Electronic Mail.

⁷ Available at www.safeineastsussex.org.uk/MARAC-help.html or www.safeinthecity.info/marac

⁸ Available at <http://www.safelives.org.uk/node/366>

⁹ Available at <https://www.sussex.police.uk/advice/advice-and-information/daa/domestic-abuse/af/daa-law/>

4.10 Upon receipt of a MARAC referral the MARAC Support Team will:

- Review the referral for completeness and accuracy and request further information where necessary
- Add the case to the agenda of the next available meeting, in line with the published **Referral Deadlines and Meeting Dates** for the MARAC (If an agency misses the referral deadline, the case will be listed within two weeks at a subsequent MARAC. Agency representatives have the option of triggering an emergency MARAC referral if they consider this to be too long (see 4.31 – 4.33 below)
- Make a referral to the local specialist domestic abuse service, which receives all MARAC referrals ahead of the meeting and will attempt to contact the victim (see 4.17 below).

The MARAC agenda

4.11 The MARAC agenda will be circulated two days prior to MARAC, including as a minimum:

- The name, date of birth and address of the victim, children and alleged perpetrator
- The referring agency and reason for referral
- Identify those cases that are referred without awareness and/or consent, repeats and counter allegations and if the alleged perpetrator is a MAPPA offender (where known at point of referral).

4.12 The agenda is ordered, listing cases with children first (or by the level of risk), reflecting guidance from the MARAC chair for that meeting.

4.13 In some exceptional circumstances a case will not be included on the MARAC agenda. These may be in cases involving: so called 'Honour Based' Violence or Abuse, High Profile victims or where an employee of a partner agency is a victim or (alleged) perpetrator and there are concerns about data security. In these cases:

- A bespoke distribution list will be created, with information circulated to the minimum number of agencies identified as required
- The distribution list will be limited to the MARAC representative only
- The MARAC representative will undertake the research themselves (they must not delegate this to any administrator who might normally conduct the research on their behalf)
- The MARAC representative must take the appropriate steps to shield or restrict access to the case information on their agency's systems.

4.14 To ensure that the MARAC agenda is manageable, the total number of cases to be discussed at the meeting will be capped at 10 cases. Any cases referred after this cap has been reached will be:

- Listed as at that meeting as 'Any Other Business' item: there is an expectation that the MARAC representatives will research these cases

- and liaise with the referring and other agencies as appropriate in order to take any immediate steps to safeguard the victim and/or the children
- Deferred for consideration at the next available MARAC meeting
 - A record of the number of cases deferred will be monitored by the Domestic Abuse and Sexual Abuse Management Oversight Board on a quarterly basis.

Receiving the MARAC agenda

4.15 Upon receipt of the MARAC agenda, the MARAC representative must:

- Research the cases, identifying any relevant information held by their agency with regard the victim, any children, (alleged) perpetrator or any other individuals who may be at risk
- There is a **MARAC Research Form**¹⁰ available for all partner agencies to help MARAC representatives structure the information they will collect and share at the MARAC meeting.

Actions before the MARAC (where safe to do so)

4.16 The MARAC does not take away responsibility for any agency to take immediate actions in relation to the safety of High Risk victims, particularly with regard to safeguarding duties (e.g. children's safeguarding, adult safeguarding etc.).

4.17 Contact with the victim in advance of the meeting will be attempted (where safe to do so) by the specialist domestic abuse service. This is in order to:

- Discuss the MARAC referral with the victim
- Share information on the process (in practice the victim should normally have been informed by the referring agency, *see 4.7 above*)
- Begin, review or continue safety planning
- Bring the views of the victim to the meeting.

4.18 Where the specialist service is unable to contact the victim ahead of the MARAC, they should inform the referring agency.

4.19 On receipt of a referral which meets the MARAC criteria the Police will:

- Place an Occurrence Mark on the victim's last known address in order to identify any incidents at that address as potentially involving a High Risk victim
- Provide support to High Risk victims through Domestic Violence Caseworkers, who will contact victims who have reported to the Police, and will work with the specialist domestic abuse service in line with agreed protocols
- Undertake research for the MARAC using an agreed template, providing this to the Chairs ahead of the meeting, with the Police

¹⁰ Available at www.safeineastsussex.org.uk/MARAC-help.html or www.safeinthecity.info/marac

MARAC representative then presenting this information at the MARAC meeting.

MARAC meeting

4.20 The role of the Chair is to structure the meetings, ensure that agency representatives understand the actions agreed and which agencies are responsible for the actions and to review any actions that are outstanding from the last meeting.

4.21 The MARAC Support Team will maintain a list of the Chairs of the MARAC meeting, ensuring that there is sufficient cover for scheduled meetings.

Information sharing at MARAC

4.22 The MARAC is not a legal entity in its own right and therefore the information shared at MARAC belongs to each agency individually. The framework for sharing information at the meeting is set out in *Part Three*.

- If it is identified at the meeting that information needs to be shared with an agency that does not participate in the MARAC, partner agencies will agree as an action whether the minutes relating to that case, in addition to any other information, can be shared. This could be in the context of a Domestic Homicide Review, a MARAC to MARAC referral or a Court Order
- If it is identified following the meeting that information will need to be shared, the MARAC Chair will make the decision on the appropriate process for agreeing what information to share following the guidance in *section 7 below*.

4.24 The Chair will read out a confidentiality statement at the beginning of each meeting, reminding agency representatives of their responsibilities in relation to information sharing. Agency representatives will be asked to sign the confidentiality statement.

4.25 At the meeting, MARAC representative should share information from their agency verbally, where relevant and proportionate:

- If the MARAC representative is unable to attend the MARAC, they should in the first instance send a deputy in their place
- If there is no one who can take their place, the MARAC representative should contact the **MARAC Support Team** and advise of non-attendance. The MARAC representative will still need to complete the research and will be asked to provide a report prior to the MARAC meeting. This will be shared / read out at the meeting and added to the minutes (the report should include any relevant information on cases, as well as confirming those cases where the agency has no relevant/ proportionate information to share).

Action planning

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

4.27 In all cases:

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

4.28 All actions agreed at the meeting will be Specific, Measurable, Achievable, Relevant and Timely (i.e. within 24 hours, 48 hours or by the next meeting).

4.29 All agencies will provide an update to the MARAC Support Team on the status of actions before the next MARAC meeting.

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

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

Emergency MARACs

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

4.32 In the first instance the agency must contact the MARAC Support Team, who will liaise with the MARAC Chair, and identify which agencies should be represented at the Emergency MARAC.

4.33 Emergency MARAC cases will also be listed at the next available MARAC meeting for review.

Referral to and from other MARACs

4.34 If it comes to the attention of any agency that a High Risk victim has, or intends to, move to a new area that agency must inform the MARAC Support Team.

4.35 If the victim has already moved out of the area the MARAC Support Team will:

- Add the case to the next available MARAC as ‘any other business’ so that MARAC agencies can be made aware of the move and agree an action that MARAC representatives will conduct their research and share this with the MARAC Support Team
- Transfer the case to the new area using **the MARAC-to- MARAC Referral Form**, reflecting the SafeLives guidance¹¹
- There is an expectation that MARAC representative will fulfil any responsibility to liaise with counterparts in the new area.

4.36 If the victim is due to move out of the MARAC area, but has not done so yet, the MARAC Support Team will:

- Add the case to the next available MARAC so an action plan will be agreed including any arrangements for partner agencies to liaise with counterparts in new area
- Transfers the case to the new area after the meeting.

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

Complex Cases

4.38 Any agency or a MARAC Chair may propose that a case discussed at MARAC is complex and requires more time/ further discussion to manage the issues. A complex case could include but is not limited to cases that involve substance misuse, mental health, disabilities, and learning disabilities. This could include vulnerabilities that may not have previously reached the threshold for additional service provision. A complex case may also be identified where the MARAC safety plan has not been able to reduce the risk to victim (s), evidenced by repeat referral to MARAC. A case must be discussed at MARAC in the first instance.

¹¹ Available at www.safelives.org.uk/practice-support/resources-marac-meetings/resources-people-attending

4.39 On request the MARAC Complex Case Planning (MCCP) chairperson (Practice Manager within Children's Services where children are present or Practice manager in Adult Social Care in cases that do not involve children) will agree whether the case should be heard at a separate MARAC Complex Case Planning meeting. The decision will remain with the chairperson and if it is deemed not appropriate for a MARAC Complex Case Planning meeting, the lead agencies will be advised on alternative methods to resolve blockages/ identified issues (e.g. further MARAC discussion or Safeguarding meeting). The MCCP chair will agree with MARAC Support Team which agencies representatives should be invited to the MCCP.

4.40 A MARAC Complex Case Planning meeting will be administered in the same way as a MARAC (See section 5 of MARAC Operating Protocol). Dates and room bookings will be pre-set and cancelled if not needed. There will be one MCCP meeting in East and one in West of East Sussex each fortnight on alternating weeks. The MCCP will usually take place on the same day as the respective MARAC. When a case is urgent, it can be considered by either MCCP (in West or East).

4.50 When a case is closed by the MCCP then the case will revert back to a single lead agency (agreed at the MCCP). Should a further domestic abuse incident occur then the case should be referred to the MARAC in the usual way (see section 4 of MARAC Operating Protocol). The MARAC will then determine next steps. At the point of a re-referral to MARAC the MARAC chair will be sent the minutes from the MCCP in advance of MARAC meeting for consideration of appropriate safety planning and next steps.

4.51 The MARAC Complex Case Planning (MCCP) chairperson can make a request to a single agency to complete a management review of the case. A management review cannot be enforced by a MCCP chair.

4.52 MARAC Complex case discussions will be recorded on the MARAC Index.

5 Administration

5.1 The MARAC process will be administered by the MARAC Support Team, which operates as part of the Joint Domestic Violence, Sexual Violence and Violence against Women & Girls Unit between Brighton & Hove City Council and East Sussex County Council.

5.2 Minutes will be circulated no later than 2 working days after the meeting.

5.3 Participating agencies are expected to have the capacity to remove a 'flag' (see 4.27 above) when 12 months has passed since the last MARAC. This practice will be reflected in the Information Sharing Guidance.

5.4 The MARAC Support Team will retain a 'MARAC Index', with the name and date of birth and the date at which the case was heard at the MARAC.

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

6 Equality

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

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

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

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

7 Other matters

Domestic Violence Disclosure Scheme

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

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

7.3 Also under the scheme an agency can apply for a disclosure if the agency believes that an individual is at risk of domestic violence from their partner. This is the 'right to know'.

7.4 The implementation of this across Sussex will mean that Sussex Police will receive the request for 'right to ask' and 'right to know'. Sussex Police will refer requests for disclosure to the local MARAC for consideration of whether information held by other MARAC agencies can support a decision to disclose information on the basis of whether it is lawful, necessary and proportionate to do so.

7.5 The specialist domestic abuse service and Police Caseworkers will work together to facilitate this process in line with agreed protocols.

7.6 Further guidance for practitioners on how the Domestic Violence Disclosure Scheme is being implemented in Sussex can be found at: <http://www.sussex.police.uk/help-centre/ask-us/domestic-abuse/what-is-the-domestic-violence-disclosure-scheme-is-it-the-same-as-clare%E2%80%99s-law>

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

7.7 From 12th June 2014, Sussex Police will be using Domestic Violence Protection Notices (DVPN) and Domestic Violence Protection Orders (DVPO).

7.8 Domestic Violence Protection Notices/ Orders are aimed at perpetrators who present an on-going risk of violence to the victim and/or associated persons, with the objective of securing a co-ordinated approach across agencies for the protection of victims and the management of perpetrators.

7.9 These Protection Notices and Orders build on existing procedures and bridge the previous protective gap, providing immediate emergency protection for the victim and allowing them the protected space to explore the options available to them and make informed decisions regarding their safety.

7.10 The power to issue a DVPN and subsequent application for a DVPO lies with the police and ultimately the Criminal Justice Service (CJS), the success of any such process will be reliant on the partnership work with other agencies such as the Independent Domestic Violence and other organisations represented at MARAC.

7.11 The specialist domestic abuse service and Police Caseworkers will work together to facilitate this process in line with agreed protocols.

7.12 Further guidance for practitioners on how Domestic Violence Protection Notices and Domestic Violence Protection Orders is being implemented in Sussex can be found at: [http://www.sussex.police.uk/help-centre/ask-us/domestic-abuse/what-is-a-domestic-violence-protection-order-\(dvpo\)](http://www.sussex.police.uk/help-centre/ask-us/domestic-abuse/what-is-a-domestic-violence-protection-order-(dvpo))

MARAC disclosure into court proceedings

7.13 Where a court requests disclosure of documents, the MARAC will follow the principles outlined by the Working party of the Family Justice Council/CAADA document '**MARAC and disclosure into court proceedings**' published in December 2011¹².

Domestic Homicide Review and other review processes

¹² Available at <https://www.judiciary.uk/related-offices-and-bodies/advisory-bodies/fjc/guidance/maracs-and-disclosure-into-court-proceedings/>

7.14 Domestic Homicide Reviews were established on a statutory basis under section 9 of the Domestic Violence, Crime and Victims Act (2004). This provision came into force on 13th April 2011.

7.15 In the event that a MARAC case becomes subject of a Domestic Homicide Review the Chair of Panel may make a written request for a Summary of Involvement and / or an Internal Management Review (IMR).

7.16 MARAC information will be provided to a Domestic Homicide Review in the following circumstances:

- A victim in a domestic violence and abuse related homicide has previously been discussed at the MARAC
- A suspect in a domestic violence and abuse related homicide has previously been discussed at the MARAC
- The MARAC had involvement with another relevant party e.g. the child of a client of the MARAC.

7.17 The Strategic Commissioner, who manages the Joint Domestic Violence, Sexual Violence and Violence against Women & Girls Unit between Brighton & Hove City Council and East Sussex County Council, will be responsible for coordinating the response in these circumstances, which may include the release of information including minutes and action plans and the return of a Summary of Involvement and / or an Internal Management Review (IMR). This will involve contacting the relevant agency representatives and asking for their consent to share information.

7.18 In making a response, the Strategic Commissioner will notify those agencies that were directly involved in the case that a request has been made, and will provide those agencies reasonable time to review and comment on any response to the Domestic Homicide Review.

7.19 In the event that there is a request for MARAC information as a result of any other review process (e.g. a Safeguarding Adult Review, Serious Case Review, Serious Incident) the same process shall apply.

Observers

7.20 It is recognised that the MARAC is likely to be of interest to many partner agencies locally, including for training purposes. In the first instance any partner agency that wants to invite an observer should ensure that staff / volunteers meet any relevant requirements e.g. in terms of safer recruitment or employment practices.

7.21 In such cases the agency will be required to comply with the following requirements:

- The Chair, via the MARAC Support Team, should be advised before the meeting of the proposed observer and given an opportunity to agree or otherwise to the observer attending the meeting
- The agency that has invited the observer takes full responsibility for the observer, including briefing them beforehand on the confidentiality requirements of the MARAC.

MARAC and MAPPA Information Exchange

7.22 There is a Sussex MAPPA and MARAC protocol (available on request from MARAC.ESBH@eastsussex.gov.uk)

7.22 The MARAC Support Team will update partner agencies of any changes in policy within the MAPPA and MARAC protocol in liaison with the MAPPA lead.

7.23 It is important that information is effectively exchanged between the MARAC and MAPPA process. The following actions are therefore required:

- The MARAC Support Team will send the MAPPA Co-ordinator the MARAC agenda which includes a list of Domestic Violence Perpetrators where the victim is to be discussed at a MARAC.
- Where a (alleged) perpetrator is identified by the MAPPA co-ordinator as a MAPPA offender, the MARAC referral and Risk Assessment must be passed to the MAPPA co-ordinator for onward dissemination to the appropriate Offender Manager
- The MARAC Support Team will always state that someone is a MAPPA offender on the summary sheet at the MARAC.

National Crime Recording Standard

7.24 To ensure that police forces in England and Wales have the best crime recording system in the world (one that is consistently applied; delivers accurate statistics that are trusted by the public and puts the needs of victims at its core) there is a requirement that Sussex Police comply with the National Crime Recording Standard¹³.

7.25 In practice this means that all reports of incidents, whether from victims, witnesses or third parties and whether crime related or not, will, unless immediately recorded as a crime, result in the registration of an auditable incident report by the police.

7.26 For the purposes of the MARAC, it is recognised that information shared by partner agencies may constitute a 'Third Party' report, as the MARAC representative is acting as a professional reporting crimes (often of a safeguarding nature) on behalf of victims of any age.

¹³Further information, including guidance on recording practice, is available at www.gov.uk/government/uploads/system/uploads/attachment_data/file/489732/count-general-january-2016.pdf

7.27 In such cases, to meet the National Crime Recording Standard, this information will be recorded by the Sussex Police regardless of whether the victim has given their permission for the reporting individual to speak to the police and irrespective of whether the victim subsequently confirms that a crime has been committed.

7.28 It is the responsibility of Sussex Police to identify when information shared at the MARAC would meet the National Crime Recording Standard. There is an expectation that Sussex Police will ensure that the matter is correctly recorded as a third party report if it is not already recorded. This is likely to take place after the MARAC meeting.

7.29 It is the responsibility of MARAC representatives to be aware of the requirements of the National Crime Recording Standard when sharing information at the MARAC meeting.

7.30 Where Sussex Police identify that information has been shared that may meet the National Crime Recording Standard this should be discussed with the agency sharing that information, as well as the other agencies at the MARAC meeting. Considerations include:

- Whether the victim is aware of, or has consented to, the MARAC referral
- How the information will be recorded, including the source of the information
- The implication of Sussex Police making contact with the victim
- Whether Sussex Police will liaise with any partner agencies (normally the partner agency sharing the information) before any action is taken in response to a crime being recorded, in order to ensure that the safety of the victim and any children is paramount
- Whether another agency will encourage the victim to report e.g. the specialist domestic abuse service.

7.31 The MARAC Support Team will:

- *Record as information shared:* that Sussex Police believe that that the information shared meets the National Crime Recording Standard and that it should be recorded as a third party report if it is not already recorded
- *Record as information shared:* any views expressed by MARAC representatives about the recording of, or actions taken in response to, the information being recorded as a third party report
- *Record as an action:* any decision by Sussex Police to record information shared at the meeting as a Third Party Report
- *Record as an action:* any other actions that may be appropriate e.g. for a partner agency to liaise with Sussex Police or to encourage the victim to report.

Counter allegations

7.32 In some cases referred to the MARAC, it may be unclear who is perpetrating violence and abuse (e.g. someone may be referred as a 'victim' when they have previously been known as the alleged perpetrator, or someone may be referred as the 'alleged perpetrator' when they have previously been known as the victim. There may have been counter-allegations or concerns about disclosures made by a service user about their use of violence or abuse:

- If counter allegations are identified ahead of the meeting, the MARAC Support Team will record that the case involves counter-allegations on the MARAC agenda
- If counter-allegations are identified as an issue during the meeting, these should be noted as a specific risk and actions agreed to address these.

7.33 Normally the specialist domestic abuse service will review any counter-allegations and identify how to manage these either at the point of referral, as part of contact ahead of the meeting or following the meeting. Where appropriate the specialist domestic abuse service will liaise with other agencies. The actions that may be taken include:

- Considering whether contact with either or both parties would be appropriate and, if so, how this will be facilitated and coordinated
- Whether a 'Who Does What to Whom' assessment is required.

8 Evaluation

8.1 All MARAC data will be collected on a monthly basis and entered into the SafeLives MARAC spreadsheet by the MARAC Support Team.

8.2 The MARAC Support Team will maintain a Risk Register, to monitor issues and concerns and record mitigating actions.

8.3 The MARAC Support Team will facilitate a MARAC audit process to identify risks, issues and areas for development, including:

- Rolling MARAC Case Audit: completed quarterly using a standardised MARAC Case Audit Tool
- A scheduled Audit Programme: topics agreed in response to the MARAC Case Audit process, or as a response to incidents or complaints. This will be delivered through a Multi-Agency MARAC Audit (delivered bi-annually in Brighton & Hove and East Sussex respectively), using a case pro-forma with clear inclusion criteria
- Where appropriate making requests for single agency / other partnership to conduct audit activity (e.g. through the Safeguarding Adults Board or Local Safeguarding Children Board)
- Annual survey of MARAC representatives, capturing feedback on MARAC process.

- Completion of the SafeLives MARAC Review tool once every two years.

8.4 The data, risk register and audit activity will be reported on a quarterly basis to the Domestic Abuse and Sexual Abuse Management Oversight Board, and other relevant partnership groups and boards.

Part 2: Information Sharing Guidance

9 Information sharing

9.1 This part of the MOP sets out:

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

9.2 Sharing relevant information with other agencies is crucial in order to reduce the risk of harm to High Risk victims. The MOP exists to facilitate information sharing between all the agencies, both in the statutory and voluntary sectors that have agreed to work together within the MARAC framework across East Sussex. This information sharing comprises:

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

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

- The prevention or detection of a crime
- The public interest
- The right to life
- Allowing counselling, advice and support to take place.

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

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

9.6 The following legislation provides the statutory powers for the partner organisations to share information under the MOP:

- The Data Protection Act (1998)

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

10 MARAC Information Sharing Guidance for partners

What information is being shared?

10.1 The following information about High Risk victims of domestic violence and abuse, their children and the perpetrators can be shared under the MOP:

- Personal details such as name, date of birth, address, ethnicity, sexuality
- Employment details
- Housing information
- Financial details including information about receipt of benefits
- Criminal offences or alleged offences, particularly those relating to violence in a non-domestic context
- Physical or mental health conditions
- Relevant history of domestic violence or associated behaviour e.g. sexual abuse.

10.2 The MARAC is not a legal entity and therefore, the original supplying agency retains ownership of any information shared at or for MARAC.

10.2 Information gained at the MARAC cannot be used by another agency without the permission of the agency that supplied it.

Consent

10.3 It is best practice to obtain the victim's consent to share their personal information and the referring agency should seek this consent as part of the risk identification and referral process:

- Where possible victims should be asked for their consent at the time of referral and this should be indicated on the MARAC referral form. Responsibility for gaining consent and explaining how the information will be shared to reduce risk lies with the referring agency
- Where consent is given, the information can be shared at the MARAC without contravening data protection rules or breaching confidentiality
- All information shared should be relevant and appropriate to the aims of the MARAC in reducing risk and increasing safety
- Information provided by partner agencies will be used only for the purpose of reducing risk and increasing safety.

10.4 Where there are serious concerns about a child or an adult at risk, refusal of consent should not be regarded as a barrier to sharing the

information. It should be noted that refusal to consent might be an indicator of control by the (alleged) perpetrator or the victim's fear of recrimination, both of which might further justify sharing information without consent.

10.5 It is recommended that consent should not be sought if asking for it would:

- Place a child or young person at increased risk of significant harm
- Place an adult at risk of serious harm e.g. in cases of honour based violence this might be the preferred option to best protect the victim
- Prejudice the prevention or detection of a crime
- Lead to an unjustified delay in making enquiries about allegations of significant harm.

10.6 In these circumstances information can legally be shared without consent. Where information is shared without the consent of the victim the following should be considered before the information is shared:

- Danger to the victim, including threat to their life
- Children at risk/danger to a child
- Vulnerable adult at risk/danger to a vulnerable adult
- The victim poses a risk to themselves or others
- Prevention of a crime
- Public interest (based on a judgement of the facts in the case).

10.7 Any decision to share information without consent must be clearly documented stating the reasons why. There is a [template MARAC Information Shared without Consent Form](#) available from SafeLives that can help evidence the decision to share without consent.

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

How is the information to be shared?

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

10.10 On every occasion that personal and sensitive personal information is shared for the purposes of MARAC it must be sent via secure electronic transmission (encrypted as it traverses the internet):

- Email sent using 'Require' Transport Layer Security (TLS) will be automatically encrypted as it traverses the internet. Please check if this is supported by your agency and the MARAC Support Team.
- For agencies who do not use Transport Layer Security (TLS): The MARAC Support Team will send email using Voltage Secure Mail. The person receiving the email will be asked to register with Voltage Mail over the Internet the first time they get a secure email. If they have

already registered with Voltage Secure Mail system they will only need to put in their password. They will then be able to read the contents of the email and attachments and reply securely.

- Partners/ non-ESCC email addresses will also be able to create new secure messages to send back to the MARAC Support Team (or any ESCC email address) by logging in at the address below:
<https://voltage-pp-0000.eastsussex.gov.uk/login>

10.11 Referrals to the East Sussex MARAC should only be made on the MARAC/IDVA Referral Form (available on <http://www.safeineastsussex.org.uk/MARAC-help.html>) and sent to the MARAC Support Team using the MARAC.ESBH@eastsussex.gov.uk address.

10.12 The MARAC Support Team, using secure email and/or data transfer using a shared case management system, will automatically refer referrals to the MARAC to the specialist domestic abuse service.

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

10.14 The MARAC distribution list will be checked quarterly.

14.15 It is the responsibility of partner agencies to inform the MARAC Support Team when people should be removed from the MARAC distribution list or additional staff added. The Single Point of Contract will ensure appropriate briefing and training has been put in place before an individual receives MARAC information via the distribution list.

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

When will the information be shared?

Ahead of the MARAC

10.17 There are two MARACs held in East Sussex, one covering Eastbourne, Lewes and Wealden areas and one MARAC covering Hastings and Rother. Each MARAC will be held weekly.

10.18 Information on the cases to be discussed at each MARAC meeting using the MARAC agenda, which will be circulated by the MARAC Support Team ahead of the MARAC. The MARAC Referral Forms will also be shared, plus any additional correspondence regarding changes to the agenda or referrals.

10.19 In some cases, MARAC partner agencies will share information about a MARAC case via email to the MARAC Support Team and this will be read out at the relevant MARAC.

At the MARAC

10.20 All participants will sign a 'confidentiality agreement' at the start of the meeting this will highlight that the information disclosed at the MARAC is confidential and must not be disclosed to a third party without the agreement of partners of the meeting.

10.21 The MARAC Support Team is responsible for taking minutes at MARAC meetings and for circulating these after each meeting along with the action plan.

- The draft minutes for each MARAC will be circulated to MARAC partners after the meeting. Each MARAC partner representative is responsible for checking the draft minutes issued and providing feedback regarding any changes needed to accurately reflect the information their agency provided at the meeting. If any changes are required, the minutes will be revised and re-issued.
- The minutes will be agreed at the next MARAC meeting.

10.22 Minutes will only be circulated to the agencies routinely attending the MARAC meeting:

- Individual case minutes will be sent to agencies that have made referrals and/or presented the case at the MARAC meeting but which are not usually in attendance
- MARAC attendees must not pass on minutes to any third parties not involved in the MARAC meetings without the agreement of the MARAC and the agencies that shared the information.

Information sharing outside of the MARAC process

10.23 There may be occasions where, in order to implement a safety plan that has been agreed at the MARAC, that any agency that is not signed up to the MOP needs to be informed of certain facts (E.g. a perpetrators name disclosed to a school so that the school cannot admit the (alleged) perpetrator to the premises).

10.24 The MARAC Support Team will share the names and details of MARAC victims, perpetrators and associated children with the Local Authorities to identify families affected by domestic abuse for the Troubled Families programme and for ongoing MARAC outcome measurement work. The Local Authority recipients of this information have agreed only to use it for the stated purposes and to keep the information securely stored, adhering to this MOP.

10.26 The MARAC Support Team may share the names and details of MARAC victims, perpetrators and associated children and other MARAC documentation in undertaking a MARAC to MARAC transfer.

10.27 Action Plans or individual actions can be shared as part of child protection conferences, adult safeguarding and MAPPA meetings with the agreement of the MARAC Chair and the agencies supplying the information. Care should be taken to ensure that information generated through the MARAC process is not shared inappropriately in other conference or partnership settings as this may increase the risk to the victim involved.

10.28 Any requests for information on MARAC cases outside of MARAC meetings or for copies of minutes or action plans (e.g. to support Family Court proceedings or Reviews) will be managed on a case by case basis in line with the process set out in the MOP and legal advice will be sought as required.

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

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

10.30 In order to protect victims and to maintain safety, any data provided and shared in the context of the East Sussex MARAC should be stored and processed so that its integrity and confidentiality are maintained at all times. All MARAC partner agencies should store and process MARAC data in line with both this MOP and their local policies and protocols.

10.31 Where the need to print off hard copies of MARAC documentation (MARAC risk identification checklists, referral forms, minutes or action plans) exists, there will be a minimum security requirement for all agencies to store the information within a lockable cabinet within a room with a door that is locked and secured when the premises is vacant.

10.32 Staff may need to travel with printed MARAC information in order to attend MARAC meetings. Staff should only take as much information as necessary and for as long as necessary. Staff should transfer any printed MARAC information back to a secure location as soon as possible and take all reasonable precautions to keep the records safe and secure e.g.

- Carry the data in a secure briefcase/container
- Keep it with you whenever possible; lock it away securely when you can't – this applies in the home as well as other locations
- Never leave it in plain sight in public places
- Do not leave it in a car overnight
- Do not work on the papers where they can be seen by unauthorised people
- Report loss/theft immediately.

10.33 Partner agencies are requested to 'flag and tag' that the victim, (alleged) perpetrator and child were discussed at MARAC and the date of the MARAC if any of the subjects are open to the service. Partner agencies do not need to 'flag and tag' that a client was discussed at MARAC if the subject

is not known to the service, unless otherwise requested to do so as an action agreed at the MARAC at which the case was discussed.

Who will have access to the information?

10.34 All partner agencies receiving MARAC case information are required to sign up to the MOP. The MARAC representative and Single Point of Contact will be considered as authorised officers. The agency representative will refer to others within their organisation where necessary to obtain relevant information on the victim or (alleged) perpetrator to be shared at the MARAC meeting, ensuring that anyone who has sight of MARAC referral information is aware of the sensitivity of the information, the need to maintain confidentiality and not to share the information further.

10.34 Only those with legitimate interest to the information should be allowed access. MARAC information such as referral form, completed SafeLives DASH RIC, Minutes and Action Plan should be stored in restricted way, for authorised personnel only. If a victim, perpetrator, child is an open case to the service then it maybe appropriate to save the relevant MARAC papers on an agency's case management system. MARAC information is restricted and staff accessing information must 'need to know'. Therefore MARAC partners must take steps to ensure MARAC information is only accessed by those permitted to do so.

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

For how long will the information be kept?

10.36 The MARAC agenda should be destroyed on completion of all relevant checks.

10.37 MARAC information should be disposed of after 12 months from the initial referral to MARAC, unless local policy dictates that it must be retained for longer. Each agency that attends a MARAC meeting can hold relevant information for as long as a risk to the victim or children remains. The information retained should be proportionate to the perceived risk and will be covered by the main retention schedule for their organisation (to ensure consistency within their organisation).

10.38 Where information is retained for longer than 12 months it is recommended that the file be marked as a closed MARAC case. Any information held electronically should be password protected or stored in a secure area that cannot be accessed by staff not involved with MARAC cases. Particular care should be taken with information that relates to a member of staff who has been identified as a High Risk victim or alleged perpetrator.

10.39 It is good practice for each agency attending a MARAC meeting to review its own initial recording of a case after twelve months and decide

whether it was still relevant for it to retain all or some of the information that was initially recorded.

10.40 The MARAC Support Team will retain a 'MARAC Index', with the name and date of birth and the date at which the case was heard at the MARAC.

10.41 The MARAC Support Team will retain a 'MARAC Case Record' for each case (e.g. MARAC IDVA Referral Form, the MARAC Minutes) for 8 years after the last contact.

How will the information be destroyed?

10.42 Hand written notes at MARAC meetings should be kept to a minimum and be taken only for the purposes of agencies noting their actions. The MARAC minutes will be the formal record of what was discussed at the MARAC meeting. Hand written notes should either be destroyed after the meeting or kept securely following both this MOP AND and local agency policies and protocols.

10.43 Once hard copies of any documentation have fulfilled their use they must be disposed of as confidential waste by shredding or other secure means.

10.44 Flags on electronic systems or paper files should be removed 12 months after the last referral to MARAC.

Part 3: Arrangements for breaches, complaints, Freedom of Information Requests, withdrawal and review.

Breaches

11.1 It is vitally important that all agencies and their representatives are aware of the MOP and take all necessary steps to ensure that it is not breached. Such breaches would be extremely damaging for all parties to the MOP and may result in an increase in risk for any High Risk victim.

11.2 MARAC representatives who receive information on MARAC cases should be aware that they might personally know, know of or work with the victim or alleged perpetrator. To share the information provided verbally or electronically, for purposes other than the management of risk through the MARAC process, is a breach of Data Protection rules and of the MOP. Furthermore, it could also cause distress to the individual concerned and potentially put them at further risk of harm. Where recipients of MARAC case information find themselves in the position of knowing the victim or (alleged) perpetrator they should seek advice from their line manager or agency MARAC representative.

11.3 Each partnership agency will be accountable for any misuse of the information supplied to it and the consequences of such misuse by its employees, servants or agents. If any (potential) breach of this MOP occurs under the established policies and procedures of any agency then that agency must deal with the (potential) breach.

11.4 If the event of a (potential) external breach, the Single Point of Contact (see section 2.2) for the agency concerned should be notified immediately. They are responsible for taking all necessary actions to safeguard the victim or any other individuals if there is an imminent risk, as well as taking any appropriate action in relation to the breach itself in line with the relevant agency process.

11.5 In the event of any (potential) internal non-compliance the Single Point of Contact (see section 2.2) for the agency concerned should be notified immediately. They are responsible for taking all necessary actions to safeguard the victim or any other individuals if there is an imminent risk, as well as taking any appropriate action in relation to the breach itself in line with the relevant agency process.

11.6 In all cases, the Single Point of Contact must report any (potential) external breach or internal non-compliance to the MARAC Support Team, setting out the nature of the breach and any actions subsequently taken. The MARAC Support Team will liaise with the relevant MARAC Chair to agree any additional remedial actions.

11.7 Any breaches will be referred to the Domestic Abuse and Sexual Abuse Management Oversight Board for consideration and may be referred to the Strategic Group or Local Safeguarding Boards as required.

11.8 In all cases, if the breach or non-compliance cannot be resolved data transfers may be stopped. If data transfers are stopped they will not resume for the purpose of this MOP until the Domestic Abuse and Sexual Abuse Management Oversight Board is satisfied with the remedial actions and / or security of data transfer arrangements.

Complaints

11.9 Anyone wishing to make a complaint related to the MARAC must follow the procedure as set out below:

- Complaints may be made in person, by telephone, or in writing (by letter or e-mail)
- In the first instance all complaints are to be made to the MARAC Chair, care of the MARAC Support Team
- An acknowledgement of receipt of the complaint will be provided within 5 working days, which will include a timeframe in which a response will be made
- The relevant MARAC Chair will investigate the complaint, with support as required from the MARAC Support Team
- In considering a response to the complaint the MARAC Chair will follow the principle of subsidiarity (i.e. complaints should be dealt with under an agency's own internal complaints procedures via the appropriate manager. The MARAC Chair will only act if the matter cannot resolved by relevant agency and / or an appropriate outcome can be better achieved by the MARAC Chair)
- The MARAC Chair will agree the response with the Strategic Commissioner
- The MARAC Chair will write to the complainant offering an explanation / list of reasons / facts of all issues and concerns
- If the complainant is not satisfied with the initial response from the MARAC Chair then an escalated letter of complaint can be sent to the chair of the Domestic Abuse and Sexual Abuse Management Oversight Board
- The Chair of the Domestic Abuse and Sexual Abuse Management Oversight Board will acknowledge receipt of the complaint within 5 working days and respond within a stated time frame.

11.10 In the event of a complaint data transfers may be delayed until the risk or issue is resolved. If data transfers are stopped they will not resume for the purpose of this MOP until the Domestic Abuse and Sexual Abuse Management Oversight Board is satisfied with the security arrangements.

Freedom of Information Requests

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

Withdrawal

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

11.13 All partner agencies have the right to withdraw from the MOP or to refuse to sign up to it. Agencies that withdraw from, or do not sign up to, the MOP will be excluded from participation in the MARAC meetings and will not receive information on MARAC cases.

11.14 If an agency wants to withdraw from the MARAC then a letter should be sent in writing to the Chair, care of the MARAC Support Team, clearly stating the reasons why the agency wants to withdraw. The agency must continue to comply with the terms of this MOP in respect of any data that the agency has obtained through being a signatory.

Review

11.15 Monitoring the effectiveness of this MOP and on-going management and governance of MOP is the responsibility of the Domestic Abuse and Sexual Abuse Management Oversight Board in the first instance as a sub group of the Safer Communities Partnership Board.

11.16 The MOP will be reviewed annually by the Domestic Abuse and Sexual Abuse Management Oversight Board or at more frequent intervals if a need to update is identified. As part of the review the Domestic Abuse and Sexual Abuse Management Oversight Board will assess the effectiveness of the MARAC in protecting High Risk domestic abuse victims.

Part 4: The process by which partner agencies will sign up to this protocol.

12 Signatories

12.1 All agencies that routinely attend the MARAC must sign up to the MOP: the parties to the agreement are specified in *Appendix Four*.

12.2 Any agency that is regularly invited on a case by cases basis will be invited to routinely attend the MARAC and sign up to the MOP.

12.3 Agencies will complete, sign and return *Appendix Five* to the MARAC Support Team.

12.4 By signing *Appendix Five* signatories agree to accept and implement the MOP, to adopt the statements and procedures contained within it and to ensure that the MOP and any associated documentation are known and understood by all relevant individuals.

.

Appendix One – List of key documents

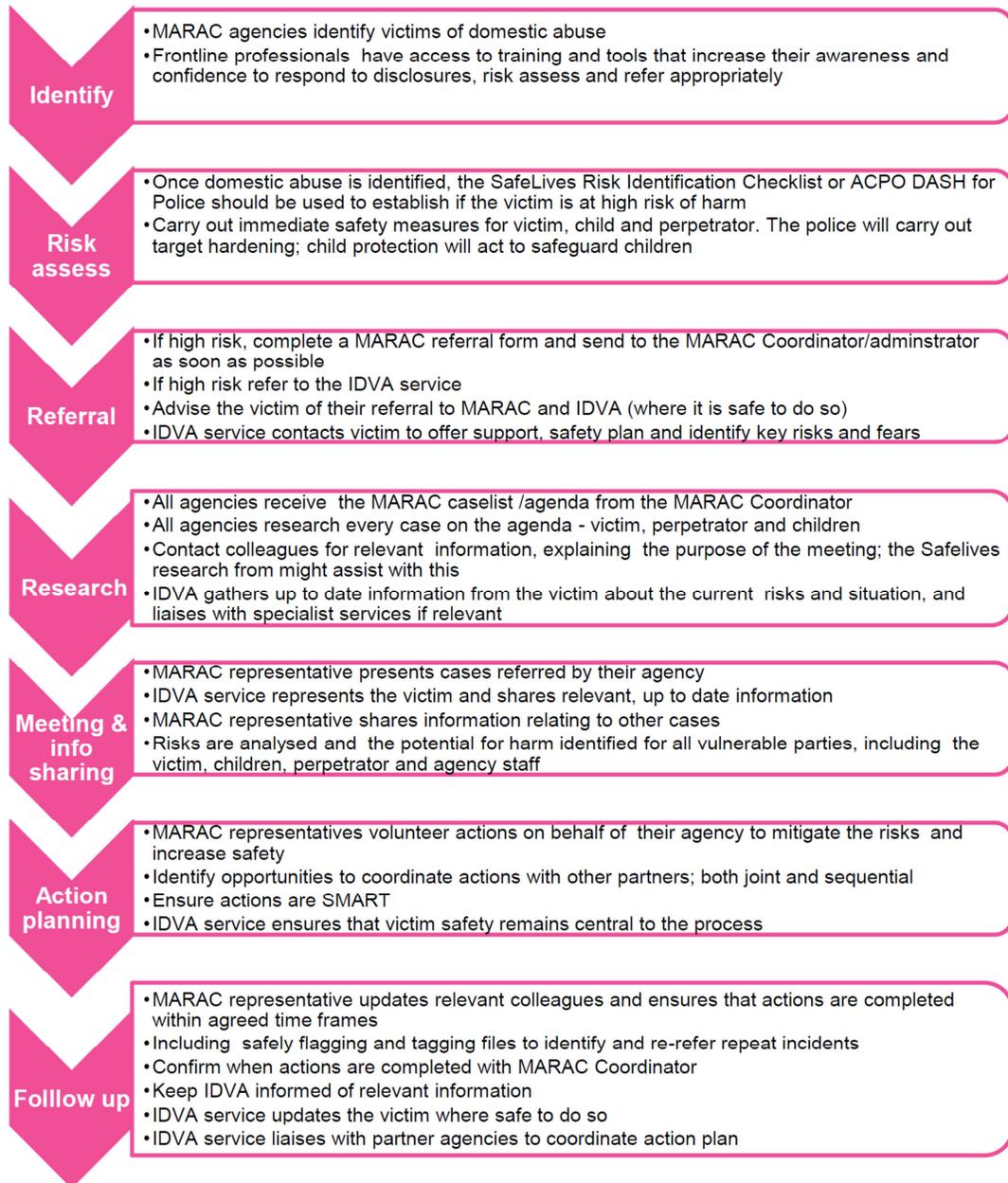
The following MARAC resources are available on the [Safe in East Sussex](#) website:

- Domestic Abuse Stalking and Harassment Risk Identification Checklist.
- MARAC Referral Form
- MARAC Research Form
- MARAC Referral deadlines and meeting dates
- Information Sharing without Consent form
- Sussex Practice Guidance on Domestic Violence Disclosure Scheme
- Sussex Practice Guidance on Domestic Violence Protection Notice/ Orders
- Practitioners Guide to MARAC.

Appendix Two – MARAC process map

Flowcharts

Steps to the Marac process



Appendix Three: Examples of information shared

CAFCASS	Court proceedings and orders, feedback from supervised contact
District and Borough Councils (Housing Tenancy)	Information on vandalism, neighbor complaints and antisocial behavior if related to domestic violence (with dates), rent arrears, victim and (alleged) perpetrator or tenancy and addresses
Domestic violence and abuse specialist services (e.g. CRI, RISE or a Refuge)	Views and fears of the victim (for themselves and their children) , willingness to engage with IDVA, information about incidents not reported to the police, information from agencies not attending the MARAC, information about related abuse e.g. sexual, civil injunctions in place, contact disputes, actions taken by the victim to protect themselves, harassment , housing needs, diverse needs. Other providers may also share: information on admissions to refuges (historic and current), contacts with outreach services, direct information provided by the victim, views and fears of the victim
Drug and alcohol services	Information on (alleged) perpetrator and victims' drug and alcohol use, disclosures relating to domestic violence and abuse or other risks or needs
East Sussex County Council	Information on adult safeguarding cases/vulnerable adults (alleged) perpetrator and victim), child protection conferences and safeguarding plans, children's needs and disabilities, mental health, children's centers, localities, early years, school attendance and performance, truancy and exclusion, incidents at school, collection of children from school
Fire Service	Fire safety checks completed; equipment fitted at the property
Health Sector	Presentations to A&E (victim, (alleged) perpetrator and children) with dates and pattern of injuries, GPs data, and maternity information e.g. missed ante natal appointments or (alleged) perpetrator attendance, victim and (alleged) perpetrator mental health, health visitor information on child's development or damage to home, attendance by partner at appointments
ISVA service (Survivors' Network)	History of sexual abuse, current sexual abuse, barriers to accessing support
National Probation Service, Community Rehabilitation Company	Perpetrator attendance, compliance or completion and non-completion of specified activity requirements, women's safety worker feedback (professional judgment on perpetrator), previous convictions, breaches of orders, prison information,
Other voluntary and community sector services	Information on (alleged) perpetrator and victims' use of the service, including presentation and engagement, disclosures relating to domestic violence and abuse or other risks or needs
Sussex Police	Police callouts, current and previous domestic violence incidents, escalation of incidents or callouts, crimes resulting from domestic violence incidents, information on the (alleged) perpetrator e.g. relevant previous convictions, use of or access to weapons, threats to kill, breaches of bail, warning signals such as suicide threats, use of weapons or assaults on police, breach of civil injunction

Appendix Four – Parties to the Agreement

Parties to the agreement

The MOP is drawn up between:

Organisation Full Name:	East Sussex County Council / Brighton & Hove City Council
Organisation Address:	County Hall, St Anne's Crescent, Lewes, East Sussex BN7 1UE

And agencies responsible for participating in MARAC arrangements in East Sussex:

Organisation Full Name:	East Sussex Domestic Abuse Service
	East Sussex County Council Adult Social Care
	East Sussex County Council Children's Services
	East Sussex County Council Traveller Liaison Team
	East Sussex Fire and Rescue Service
	East Sussex Healthcare NHS Trust
	Eastbourne Borough Council – Housing
	STAR East Sussex Substance misuse Service
	Hastings Borough Council – Housing
	Lewes District Council – Housing
	Rother District Council – Housing
	Refuge
	Homeworks provided by Southdown Housing Association
	East Sussex Offender Management Team National Probation Service
	Sussex Partnership Foundation NHS Trust
	Sussex Police
	Victim Support
	Wealden District Council – Housing
	Kent, Surrey & Sussex Community Rehabilitation Company
	Amicus Horizon Housing Association
Eastbourne Homes Housing Association	

Appendix Five – Agency Signatory Template

Information about the agency

Agency		
MARAC Representative <i>(See MARAC Operating Protocol for guidance on the role MARAC Representative - page 4. Section 2.2).</i>	Name	
	Job Title	
	Telephone	
	Secure email address	
Actions <i>(Describe the routine actions that you agency is likely to take at the MARAC)</i>	1.	
	2.	
	3.	
	4.	
	5.	

Signatory information

By signing this document, the signatory (the Single Point of Contract) confirms that the agency will undertake to ensure that its representatives are aware of requirements set out in the East Sussex MOP and that the agency will take all necessary steps to ensure that it is not breached.

In signing this document, the signatory confirms that they have sufficient seniority to bind the agency.

Single Point of Contact <i>(See MARAC Operating Protocol for guidance on the role of the Single Point of Contract - page 4. Section 2.2).</i>	Name	
	Job Title	
	Telephone	
	Secure email address	
	Signature	
	Date	