

Bournemouth, Dorset & Poole Multi Agency Risk Assessment Conferences (MARACs)

Information Sharing Protocol (ISP)

December 2012

1. Introduction

1.1 A Multi Agency Risk Assessment Conference (MARAC) is a local, multi agency victim-focussed meeting where information is shared on the highest risk cases of domestic violence and abuse between different agencies. These agencies include the police, criminal justice, health, social care, housing and the specialist domestic violence service sector.

1.2 The MARAC aims to:

- Manage and increase the safety of high risk victims of domestic violence and abuse (identified through the CAADA DASH risk assessment checklist)
- Reduce risk and prevent further harm
- Enable the safeguarding of adults and children
- Reduce repeat victimisation
- Reduce crime and disorder

1.3 Sharing relevant information with other agencies is crucial in order to reduce the risk of harm to very high risk victims. The Bournemouth, Dorset and Poole MARACs Information Sharing Protocol (ISP) (hereafter referred to as the MARAC ISP) 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 Bournemouth, Dorset and Poole.

1.4 The MARAC ISP is a Personal Data Exchange Agreement (PDEA), made under the Dorset Overarching Information Sharing Protocol (OAISP) between the agencies listed in appendix 1.

1.5 The MARAC ISP is also applicable to Registered Social Landlords and services commissioned through statutory authorities e.g. children's centres.

2. Lawful Basis for the Sharing of Personal Information

2.1 Any decision to disclose 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

2.2 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

2.3 The following legislation provides the statutory powers for the partner organisations to share information under the MARAC ISP:

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

3. Type of Personal Information that will be Routinely Shared & Rules of Sharing

3.1 The following information about high risk victims of domestic violence and abuse, their children and the perpetrators can be shared under the MARAC ISP:

- 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

Appendix 2 lists the types of detailed information that MARAC partner agencies can provide.

3.2 CAADA guidance is clear that information shared about high risk victims in the MARAC context should be relevant and appropriate to the aims of the MARAC in reducing risk and increasing safety. Information and data provided by MARAC partner agencies will be used only for the agreed purpose of reducing risk and increasing safety within the MARAC framework. Information provided by an individual agency remains the property of that agency and MARAC partner agencies, through this ISP, agree not to share data provided by another agency at the MARAC without the consent of that agency.

3.3 All MARAC partner agencies signed up to this ISP understand that sharing data inappropriately can increase the risk of harm to high risk victims and agree to securely store, manage and destroy (when it is no longer required) any information provided (electronically or in paper form), following any local agency organisational protocols and processes in existence.

3.4 It is recognised that there will be occasions where some information cannot be shared for a number of reasons. Signing up to the MARAC ISP does not compel partner agencies to share their data. However, all MARAC partner agencies need to be aware of the potential risks, to victims and their own organisation, of not sharing information they hold.

3.5 It is recommended that agencies keep records of data that is shared and also when a decision is made not to share data. These records should include reference to the following:

- The reasons for the decision to disclose (or not)
- The extent of the disclosure made
- The permitted use of the disclosed information

The decision to disclose information (or not) should ***not*** be based on whether consent has been obtained from the victim.

4. Process for Sharing Personal Information at MARACs

4.1 General Principles

- 4.1.1 All MARAC documentation containing personal data relating to victims, perpetrators and their children should be marked 'RESTRICTED' and should only be transmitted by known secure means including by secure E mail.
- 4.1.2 Referrals to the Bournemouth, Dorset or Poole MARACs should only be made on the MARAC referral form (available on www.dorsetforyou.com/marac) and sent via secure E mail (using the restricted designation where this is available) to the MARAC administrator in the Dorset Police Domestic Abuse Unit using the marac@dorset.pnn.police.uk.cjism.net address.
- 4.1.3 Referrals to the IDVA service will be made by the police Domestic Abuse Unit using secure E mail and the agreed referral form.
- 4.1.4 Information on the cases to be discussed at each MARAC will be circulated by secure E mail to the nominated agency representative for each MARAC by the MARAC administrator eight days before the MARAC meeting. The nominated agency representatives will be considered as authorised officers for the purposes of the PDEA. The agency representative will refer to others within their organisation where necessary to obtain relevant information on the victim or perpetrator to be shared at the MARAC meeting.
- 4.1.5 A written record of all requests for information relating to MARAC cases, disclosures and refusals to disclose will be kept by Dorset Police's Domestic Abuse Unit. Individual agencies should keep their own records of information disclosed or otherwise (see 3.5).
- 4.1.6 Any requests for information on MARAC cases outside of MARAC meetings or for copies of minutes or action plans will be considered on a needs basis. Requests for the release of such information or for MARAC minutes and action plans to be made available should be made through the MARAC chair. Release of information should be recorded.
- 4.1.7 In order to protect victims and to maintain safety, any data provided and shared in the context of the Dorset 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 MARAC ISP and their local policies and protocols. Any hard copies of MARAC risk assessments, referral forms, minutes or action plans should be kept locked away. 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. 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 which cannot be accessed by staff not involved with MARAC cases.

- 4.1.8 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 MARAC ISP and local agency policies and protocols.
- 4.1.9 Flags on electronic systems or paper files should be removed 12 months after the initial referral to MARAC.
- 4.1.10 It is the responsibility of the MARAC Chair that all partners in attendance at the MARAC, and any observers, will sign the security of information/confidentiality declaration at the start of each MARAC meeting.

4.2 Consent

- 4.2.1 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 assessment 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. Gaining consent is not obligatory and information can legally be shared without consent. In some cases e.g. honour based violence this might be the preferred option to best protect the victim. Where information is shared without the victim's consent the **sharing information without consent form** should be completed (appendix 3).
- 4.2.2 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)
- 4.2.3 Any decision to share information without consent must be clearly documented stating the reasons why. 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 perpetrator or the victim's fear of recrimination, both of which might further justify sharing information without consent.
- 4.2.4 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
 - Prejudice the prevention or detection of a crime

- Lead to an unjustified delay in making enquiries about allegations of significant harm

4.3 Requests for Information after MARAC Meetings

- 4.3.1 The MARAC administrator is responsible for taking minutes at MARAC meetings and for circulating these after each meeting along with the action plan. Minutes should not be passed on by MARAC attendees to third parties not involved in the MARAC meetings. Information from the MARAC meetings will only be used to further the aims of the MARAC and remains the property of the agency that supplied it to the MARAC.
- 4.3.2 Any requests for information on MARAC cases outside of MARAC meetings or for copies of minutes or action plans will be considered on a needs basis. Requests for the release of such information or for MARAC minutes and action plans to be made available should be made through the MARAC chair.
- 4.3.3 Information gained at the MARAC cannot be used by another agency without the permission of the agency that supplied it and the victim.
- 4.3.4 Action Plans or individual actions can be shared as part of child protection conferences 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.
- 4.3.5 Other requests for information from the MARAC e.g. to support Family Court proceedings should be managed carefully and on a case by case basis and should meet the legal and safety criteria set out in this ISP. Requests for disclosure to support family court proceedings should be made through the MARAC chair and the decision whether to disclose or not should be made following the CAADA/Family Justice Council Guidelines (section 7.2 of the ISP)
- 4.3.6 Any release of information or actions after a MARAC meeting (as detailed in 4.3.1-5 above) should be documented.

5. Breaches of Confidentiality, Complaints Procedure & Withdrawal from the ISP

- 5.1 Any breach of the MARAC ISP will be extremely damaging for all signatory agencies and also potentially harmful to the victims referred to the MARACs.
- 5.2 Complaints regarding inappropriate sharing of information will be referred to the Pan Dorset MARAC Steering Group in the first instance. The group will take a view on how the complaint will be managed in conjunction with the MARAC partner agency involved. Complaints and breaches should also be dealt with under the agency's own internal complaints procedures via the appropriate manager.
- 5.3 The ISP is merely guidance and an agreement to abide by it. Information can be shared outside of the ISP providing the principles of the ISP are adhered to. All partner agencies have the right to withdraw from the ISP or to refuse to sign up to it. Agencies that do not sign up to the ISP or who withdraw from it will be excluded from participation in the MARAC meetings.

6. Review of the MARAC ISP

- 6.1 Ongoing management and governance of MARAC ISP is the responsibility of the Pan Dorset MARAC Steering Group in the first instance as a sub group of the Dorset and Bournemouth and Poole Domestic Violence Strategic Groups (and in turn the Community Safety Partnerships).

6.2 The MARAC ISP will be reviewed annually by the Pan Dorset MARAC Steering Group. As part of the review the Pan Dorset MARAC Steering Group will assess the effectiveness of the MARAC ISP in protecting high risk domestic violence victims and achieving the objectives set out in section 1.

7. Further References

7.1 Striking the Balance – Practical Guidance on the application of Caldicott Guardian Principles to Domestic Violence and MARACs (DOH 2011)

7.2 MARACs and disclosure into court proceedings (CAADA/Family Justice Council December 2011)

7.3 MAPPA/MARAC MOU (Dorset Probation Trust)

Review Date July 2013

Appendix 1

Signatories to the MARAC ISP:

Action for Children
Alcohol & Drug Community Aftercare Programme (ADCAP)
Bournemouth Borough Council
Bournemouth Churches Housing Association (BCHA)
Children and Family Court Advisory and Support Service (CAFCASS)
Christchurch Borough Council
Community Alcohol & Drug Advisory Service (CADAS)
Crime Reduction Initiative (CRI)
Dorset County Council
Dorset County Hospital NHS Foundation Trust
Dorset Fire and Rescue Service
Dorset Healthcare University Foundation Trust (DHUFT)
Dorset Police
Dorset Probation Trust
Dorset Rape Crisis Support Centre
East Dorset District Council
EDP
Magna Housing Association
NHS Dorset
NHS Bournemouth & Poole
North Dorset District Council
Poole Borough Council
Poole Hospital NHS Trust
Poole Housing Partnership
Purbeck District Council
Raglan Housing
South and East Dorset Community Drug and Alcohol Team (SEDCCDAT)
South West Ambulance Service Trust
Sovereign Twynham Housing Association
Spectrum Housing
Synergy Housing Group
The Royal Bournemouth and Christchurch Hospitals NHS Foundation Trust
The Safe Partnership
The You Trust
Turning Point
West Dorset District Council
Weymouth & Portland Borough Council

Names in bold are existing OAISP signatories at December 2012

Appendix 2

Detailed information that MARAC partner agencies can provide:

Dorset Police- police callouts, current and previous domestic violence incidents, escalation of incidents or callouts, crimes resulting from domestic violence incidents, information on the 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

Bournemouth Borough Council, Dorset County Council, Borough of Poole – information on adult safeguarding cases/vulnerable adults (perpetrator and victim), child protection conferences and safeguarding plans, children's needs and disabilities, mental health, children's centres, localities, early years, school attendance and performance, truancy and exclusion, incidents at school, collection of children from school

Dorset Probation Trust – perpetrator IDAP attendance, completion and non completion, women's safety worker feedback (professional judgement on perpetrator), previous convictions, breaches of orders, prison information,

Health Trusts – presentations to A&E (victim, perpetrator and children) with dates and pattern of injuries, GPs data, and maternity information e.g. missed ante natal appointments or perpetrator attendance, victim and perpetrator mental health, health visitor information on child's development or damage to home, attendance by partner at appointments

Local Authorities, Housing Associations & Registered Social Landlords – information on vandalism, neighbour complaints and antisocial behaviour if related to domestic violence (with dates), rent arrears, victim and perpetrator tenancy and addresses

Domestic violence service providers – 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 perpetrator and victims' drug and alcohol use

CAFCASS – court proceedings and orders, feedback from supervised contact
BCHA IDVA service – 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

Rape Crisis/ISVA Service – history of sexual abuse, current sexual abuse, barriers to accessing support

**Appendix 3
Information Sharing without Consent Form**

Victim name and DOB			
Victim address			
Children	DOB	Address	School (if known)

Who is at Risk? (e.g. Children, client, family, others)	Who are they at risk from? (e.g. partner, ex-partner, family, self)	What are the concerns around this risk?	What are the immediate risks to this victim?	Risk Identified through Risk Assessment
Risk Identification Checklist (if it has been possible to complete a CAADA-DASH RIC, attach it here)		/ number of ticks out of 24		
Details of incident / information causing concern (include source of information)				

Legal Authority to Share

Protocol relevant	Y / N	If yes, please detail	
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Or

Legal grounds (If yes, please tick one or more grounds below)	Y / N
Prevention / detection or crime and/or apprehension or prosecution of offenders (DPA, sch 29)	
To protect vital interests of the data subject; serious harm or matter of life or death (DPS, sch 2 & 3)	
For the administration of justice (usually bringing perpetrators to justice (DPA, sch 2 & 3)	
For the exercise of functions conferred on any person by or under any enactment (police / Social Services) (DPA, sch 2 & 3)	
In accordance with a court order	
Overriding public interest (common law)	
Child protection – disclosure to social services or police for the exercise of functions under the children act, where the public interest in safeguarding the child’s welfare overrides the need to keep the information confidential (DPA, sch 2 & 3)	
Right to life (Human Rights Act, art. 2 & 3)	
Right to be free from torture, of inhuman or degrading treatment (HUMAN RIGHTS ACT, ART. 2 & 3)	

Balancing Considerations (please tick)

Pressing need		Risk of not disclosing	
Respective risks to those affected		Interest of other agency / person in receiving it.	
Public interest of disclosure		Human rights	
Duty of confidentiality		Other	
Comments			
Internal consultations <i>(Names / Dates / Advice / Decisions)</i>			
External consultations <i>(Home Office, Information Sharing Helpline)</i>			

Client Notification

Client notified	Y / N	Date notified	
If not, why not?			

Review

Date for review of situation <i>(review to include feedback from the agencies informed as to their response)</i>	
Name of person responsible for ensuring the situation is reviewed by this date	

Record the following information-sharing in Case File:

Date information shared	
Agency & named person informed	
Method of contact	
Legal authority for each agency	
Signature of caseworker	
Date (as signed by caseworker)	
Signature of manager	
Date (as signed by manager)	