



Southend, Essex and Thurrock Multi-Agency Risk Assessment Conference (MARAC) Operating Protocol

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1. Introduction

This document sets out the operating procedures for safeguarding and protecting the welfare of children and adults at high risk of being subjected to domestic abuse. This is undertaken by the locally based Multi-Agency Risk Assessment conference (MARAC). This document sets out the arrangements through which our partnership assesses, collaborates, challenges and provides an enhanced, effective service to reduce the risks of domestic abuse to children and adults and to improve outcomes for children, adults, parents/families and perpetrators/high risk individuals in Southend, Essex and Thurrock.

The MARAC is a regular meeting to discuss how to help victims at high risk of murder or serious harm. A domestic abuse specialist (IDVA), police, children's social services, health and other relevant agencies all share information about the victim, the family and perpetrator, to enable them to devise an action plan to reduce risk for each victim.

The MARAC process does not change the expectations of all agencies in relation to safeguarding children and adults. These are set out within the Southend, Essex and Thurrock Child Protection Procedures and SET Safeguarding Guidelines for Adult. They apply to the statutory, voluntary, community and faith sectors. This MARAC Operating Protocol is designed to enhance existing arrangements rather than replace them.

When a high risk domestic incident has been identified, using a DASH risk assessment, each agency will be expected to continue to follow their safeguarding procedures and take necessary action on cases in advance of a decision from the MARAC, to ensure there is no delay in offering interventions to protect and support the children and adults involved. For example, children's social care will undertake section 17 or section 47 enquiries if required in response to referral information received.

Practitioners will research and collate relevant information following a referral into MARAC and this will be discussed within the MARAC where a multi-agency action plan will be agreed to mitigate the risk.

This document also sits within the Essex County Council Overarching Safeguarding ISP and Sharing Specifics and reports statics to SafeLives. Essex MARAC also has a SET Quality Framework.

2. MARAC Governance across Southend , Essex and Thurrock (SET)

The Southend, Essex and Thurrock Domestic Abuse Board (SETDAB)

The SETDAB is a partnership comprising key stakeholders who can fulfil the following functions:

- Provide strategic leadership to address domestic abuse in Essex, including Southend and Thurrock.
- Understand the impact of domestic abuse on the people of Southend, Thurrock and Essex.
- Understand the services currently provided to tackle domestic abuse and their impact.
- Seek new ways of working together.
- Cement good practice within our own and partner organisations.
- Hold each other to account for delivery of the domestic abuse strategy.

All three areas are responsible for the delivery of their local MARAC processes however the objectives of MARAC are shared across the SET area.

The objectives of MARAC are:

- To work collaboratively using a multi-agency risk assessment process to improve risk assessment and safety planning, intervention and review for adults and children at high level risk of significant harm or death as a result of domestic abuse.
- To use agency information to inform risk to determine if an adequate safeguarding plan is in place with the victim and children.
- To ensure any on-going risk posed by perpetrators is addressed within safety planning for the victim and children.
- To ensure high risk domestic abuse incidents are discussed at a MARAC within 14 working days of receipt of the referral.
- To ensure MARAC meetings are focussed and purposeful to improve quality of information and risk management.
- To identify high risk perpetrators at an early stage to help prevent future high risk incidents taking place.

Success of the MARAC arrangements is measured through:

- Timeliness of multi-agency information sharing.
- Access to pertinent & appropriate information, guidance and specialist support (for victims, their children and perpetrators).
- Impact of engagement with support services (in reducing risk and improving safety).
- Number & percentage of repeat referrals into MARAC.
- Internal audits and SET Scrutiny Panels

These measures will contribute to inform the delivery of the Southend, Essex and Thurrock Domestic Abuse Strategy 2020-25.

3. Definitions of Domestic Abuse

Domestic Abuse

Following the enactment of the Domestic Abuse Act 2021, the definition is now in two parts. The first part of the definition deals with the relationship between the abuser and the abused, whilst the second defines what constitutes abusive behaviour. It remains the case that the person who is carrying out the abusive behaviour, and the person being abused must be over the age of 16 for this to be considered domestic abuse. What does change is how the two parties are associated with each other (making it wider than it is now), dictating that the parties need to be 'personally connected'.

For the purposes of the Act, people are personally connected if.

- they are or have been married to each other.
- they are or have been civil partners.
- they have at one point agreed to marry each other (even if the agreement was terminated).
- they have entered into a civil partnership agreement (whether or not the agreement has been terminated).
- they are or have been intimate partners.
- they each have, or there has been a time when they have each had a parental relationship in relation to the same child; or
- they are relatives.

What is considered a 'relative' remains as per the previous definition, taken from the Family Law Act 1996; 'relative', in relation to a person, means—

(a) the father, mother, stepfather, stepmother, son, daughter, stepson, stepdaughter, grandmother, grandfather, grandson or granddaughter of that person or of that person's [spouse, former spouse, civil partner or former civil partner], or

(b) the brother, sister, uncle, aunt, niece, nephew or first cousin (whether of the full blood or of the half blood or by marriage or civil partnership of that person or of that person's spouse, former spouse, civil partner or former civil partner

The definition of abusive behaviour has also been adjusted and includes violent, threatening or controlling and coercive behaviour; economic abuse, psychological, or emotional abuse, and also states that behaviour can be considered abusive even if it consists of conduct directed at another person (e.g. a child)

The term 'economic' abuse will have a wider meaning than 'financial' abuse (which it replaces), meaning that it is not just the control of an individual's finances that is considered to be abuse, but will now mean any behaviour that has **a substantial adverse effect** on a victim's ability to acquire, use or maintain money or other property, or obtain goods or services.

The full definition can be seen below –

The new definition of Domestic Abuse

Behaviour by a person (“A”) towards another person (“B”) is “domestic abuse” if— (a) A and B are each aged 16 or over and are personally connected, and (b) the behaviour is abusive.

Behaviour is “abusive” if it consists of any of the following—

- (a) physical or sexual abuse.
- (b) violent or threatening behaviour.
- (c) controlling or coercive behaviour.
- (d) economic abuse
- (e) psychological, emotional or other abuse.
 - “Economic abuse” means any behaviour that has a substantial adverse effect on B’s ability to— (a) acquire, use or maintain money or other property, or (b) obtain goods or services.
 - A’s behaviour may be behaviour “towards” B despite the fact that it consists of conduct directed at another person (for example, B’s child).

This definition, which is not a legal definition, includes:

- Female genital mutilation (FGM) - procedures that intentionally alter or cause injury to the female genital organs for non-medical reasons.
- So called ‘honour’ based violence - collection of practices, which are used to control behaviour within families or other social groups to protect perceived cultural and religious beliefs and/or honour.
- Forced marriage -is a marriage conducted without the valid consent of one or both parties and where duress is a factor.

High Risk Domestic Abuse

The MARAC process is focussed on victims who are identified as at high risk of serious harm or death due to domestic abuse. Southend, Essex and Thurrock have adopted the high risk threshold that is supported by the use of the standardised risk identification checklist ‘Domestic Abuse, Stalking and Harassment and Honour Based Violence (DASH, 2009) Risk Identification and Assessment and Management Model.

The risk categorisation given below is based on the Offender Assessment System developed by the Prison and Probation Services definitions of what constitutes standard, medium and high risk. This provides a referral framework for all agencies, which is consistent with a clear evidence base but requires the use of professional judgement to categorise the risk level.

The risk levels are as follows:

- Standard Risk: Current evidence does not indicate likelihood of causing serious harm.

- Medium Risk: There are identifiable indicators of risk of serious harm. The offender has the potential to cause serious harm but is unlikely to do so unless there is a change in circumstances, for example, failure to take medication, loss of accommodation, relationship breakdown, and drug or alcohol misuse.
- High Risk: There are identifiable indicators of risk of serious harm. The potential event could happen at any time and the impact would be serious.

Risk of serious harm (Home Office, 2002 and OASYS, 2006): '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'.

4. The Essex MARAT

The Essex MARAC is an Agile team working from home and holding MARAC meetings securely on Teams.

Responsibility for the day-to-day management of MARAT is with the Operational Manager who is employed on behalf of the partnership, with the post hosted by one of the core agencies. Members of the MARAT will be line managed and supervised by their employer. Partner agencies will be responsible for ensuring cover for MARAT team members in the event of absence.

New agency representatives will be inducted into their new role within the MARAT team by the MARAT Operational manager. The agency line manager will provide agency specific induction. All MARAT practitioners will be expected to attend regular MARAT team meetings, training and any other team opportunities as identified by the MARAT Operational Manager. In addition to agency specific supervision arrangements.

Essex MARAC has discussed HBV cases from 1st October 2017; these cases are heard in closed panel.

5. The Essex MARAT Process

MARACs will be held twice a day, Tuesday to Friday. The morning meeting will start at 9:00am; the afternoon meeting will start at 13:00pm

Mondays will now be a case prep day for all agencies and the day that HBA cases will be heard.

All core partner agencies are expected to send a representative to each of the two meetings every day and have the necessary research available to themselves and any full updates forwarded to MARAC admin 24hrs prior to the meeting to ensure accuracy of minutes. The agency MARAC representative should be someone who is in a position to agree actions and endorse decisions on behalf of their agency.

Core partner agencies will ensure that when their MARAC representative is unable to attend (due to ill health/annual leave etc.) a deputy/suitable replacement will attend the MARAC. Should this not be possible, information regarding each case should be returned to the MARAT administration no later than 1 day prior to the meeting clearly titled with the date of the meeting, the identifying number for the case and password protecting if using a non-secure computer system. If no update is provided, it will be assumed that no relevant or proportionate information is held by that agency.

The expectation is that all core agencies will be routinely represented and there is no formal minimum number required for the MARAC meeting to be considered quorate. Core agencies include Police, IDVA and Children's Social Care.

Non-core partner agencies must ensure that contingency arrangements are made to ensure that relevant information is submitted to MARAC if unable to attend.

Attendance at MARACs is monitored by the MARAT Operational Manager. Non-attendance is addressed and will be reported by the MARAT Operations manager to the MARAC Steering group and SETDAB where there is consistent noncompliance.

MARAC will be chaired by a range of appropriately trained professionals from across partner agencies. The role of the chair is to facilitate the group discussion. There is a collective responsibility by all MARAC attendees to ensure that the action plan is victim focused, proportionate to, and addresses the risks identified.

Greater Essex MARAC now also has a focus on Perpetrator safeguarding and behavior change and will suggest suitable recommendations to support any safety plan.

MARAC action planning on individual cases should go ahead at every opportunity. In exceptional cases (such as the death of victim or perpetrator or confirmation that the victim is no longer in the geographical location of Greater Essex MARAT), and where this information is identified prior to the meeting relevant information will be shared and recorded but action planning will no longer take place. The case will then be referred to the relevant area.

There is no minimum number of cases to be heard for a MARAC to go ahead.

5.1. Before the MARAC meeting

1. Following a Police incident being identified as high risk domestic abuse, MARAT admin will cleanse the police feed by removing duplicates or linking them to incidents already listed. Cases are added to their geographical list on the day they are due to be heard and circulated nine working days prior to the MARAC meeting.
2. Partner referrals received into the MARAC Referrals inbox will be identified and assessed for suitability for MARAC by the MARAT Operations Manager who will ensure they are circulated and listed to be heard.
3. Wherever possible, the expectation is that the referring agency will have made the victim aware that a multi-agency plan will be compiled to address their safety.
4. MARAC administration will then schedule referrals to be heard at MARAC ten to fourteen working days following the receipt of the incident to MARAC.
5. MARAC administration will pre-populate the action plan with relevant referral information, and for repeat victims within 12 months of being heard the action will be embedded for information purposes.
6. On receipt of high-risk referrals, any professional who receives the MARAC case list will:
 - a. Initiate any immediate safeguarding action required relevant to their agency.
 - b. Research their information sources, take relevant actions and compile relevant information to be shared at MARAC.
 - c. Complete a research form with information to be shared at the MARAC and send to MARAT admin by midday the day before the MARAC meeting.

5.2. At the MARAC Meeting

All MARAC meetings to be held on Teams.

Each action plan is allocated a thirty-minute time slot. All persons in relation to the incident will be referred to by their first name throughout the MARAC. Partners will work through the risks and create an action plan, with a focus on the voice of the victim. All partners present at the meeting are equally accountable for generating a robust, victim focused action plan. A list of attendees forms part of each action plan. No one individual will sign off the action plan as this is a collective responsibility.

It is for the partner representatives to record detailed information specific to their agency's needs.

Where a partner agency has no involvement with a victim and this is unlikely to change they should take relevant information in order to flag their systems and make any enquiries required. All core agencies will need to be able to clearly justify on a case by case basis why they have recorded information where they have no resulting actions.

Having heard all the risks, partners will agree actions aligned to those outstanding risks to support the victim, perpetrator or any children where these are relevant and appropriate.

Partners will identify an appropriate person to ensure the victim is updated with regard to the risks discussed and any plans in place to reduce the risk of harm to the victim and/or their family.

The action plan will be created as a live document and form the record of the meeting and there will be no separate minutes.

5.3. Following the MARAC meeting

MARAT administration will disseminate the action plan to all core partners, other agency representatives who participated in the action planning, or who were allocated an action, within 48 hours. MARAC Admin will also upload action plans from meeting to Athena, the Police intelligence system within 48hrs.

MARAC admin will update the action plan when notified of any actions agreed at the MARAC meeting which for whatever reason the nominated agency is now unable to complete. The Operations Manager will be notified to evaluate whether to follow-up and review the plan.

MARAT agency representatives are responsible for disseminating their agency's actions to the appropriate people and ensuring these actions are recorded on their appropriate systems, taking any further safeguarding actions required.

6. Information Sharing and Data Security

1. Partners will adopt their own decision-making processes to ensure that only appropriate and relevant information is collated.
2. It is incumbent on all partners to recognise that any information shared must be justified on the merits of each case.
3. Any information being shared must be proportionate and necessary for the purpose for which it is being shared.
4. Access to personal confidential data should be on a strictly need to know basis.

5. Everyone with access to personal confidential data should be aware of their responsibilities and access should be in compliance with the law.
6. The duty to share information is as important as the duty to protect confidentiality.
7. Information will not be shared where disclosure would prejudice ongoing criminal justice proceedings or sensitive cases unless there is an overriding public safety requirement to do.
8. MARAC is covered by the Whole Essex Safeguarding Information Sharing Agreement.

Partners are responsible within the terms of this protocol to ensure that data is collected, stored, processed and disclosed in line with the Information Sharing Agreement.

7. Dispute resolution

If there are differences of opinion between any of the partners about decisions or actions proposed, the following process should be followed:

- 1) Whenever a dispute is raised, in the first instance, every attempt should be made to resolve the matter between the relevant partners.
- 2) If this is not possible, the concern should be raised with the MARAT Operations Manager.
- 3) The MARAT Operations Manager should talk to the relevant agency manager(s), escalating where appropriate.
- 4) Where necessary, issues should be escalated to the MARAC Steering Group or the SETDAB for resolution.

8. Complaints and breaches

Complaints and breaches will follow the same escalation process as for dispute resolution (above). All complaints will be recorded and reported using the procedures of the agency hosting the MARAT Operations Manager's post.

9. Non-compliance with the Operating Protocol

Where non-compliance with the operating protocol is identified the same escalation process as for disputes and complaints will be followed, with the procedures of the agency hosting the MARAT Operations Managers post being used.

10. Where a victim or perpetrator is known to agencies

If a case is known personally by a MARAC attendee or chair the MARAT Operations Manager must be notified immediately. The MARAT manager will make the decision on how to proceed based on the specific circumstances of each situation. Guidance may be sought from Information Governance within the relevant agency.

11. Out of Area Cases

If during the preparation of case lists, or whilst the case is being heard it becomes evident the case is out of area, a MARAC to MARAC transfer will be instigated by the MARAT administration, who will also inform partners. If a case has been heard at MARAC and in the following months the victim moves out of the Essex area it is the responsibility of the agency with this information to advise MARAC in the new area. A MARAC to MARAC referral form should be used and can be obtained from the Save Lives Website or MARAT Admin.

12. Freedom of Information

The Freedom of Information Act 2000 gives people the right to request information from public authorities or any publicly-funded organisation. Requests received by statutory MARAT partners must be passed to the FOI Officer within their organisation. The receiving FOI officer or their agencies MARAT representative will inform all interested parties as to the likely response and seek their views before a response is released to the requestor.

13. Subject Access Record requests

The Data Protection Act gives people the right to see a copy of the information an organisation holds about them. Requests received by statutory MARAT partners about information held in relation to MARAT must be processed following the receiving organisation's Subject Access Requests Policy.

Where the request is for a copy of the Action Plan, the MARAT Operations Manager should be notified.

14. Equality

The Essex MARAC will be committed to ensuring fairness in its action planning. Equality of outcome will be monitored through quality assurance activity.

15. Protocol Agreement

The agencies signing this protocol accept the procedures laid down in this document with the aim of providing a secure framework for safeguarding and protecting the welfare of children and adults affected by high level risk of domestic abuse. This is via the Multi Agency Risk Assessment Team approach. Any information shared between parties in respect of this protocol will be compliant with their own statutory and professional responsibilities.

Partner agencies will:

- 1) Implement and adhere to the standards, procedures and structures set out in this protocol.
- 2) Engage in a review of this protocol when required.

We the undersigned agree that each agency/organisation that we represent will adopt and adhere to this protocol: