



# Toolkit for Marac in Scotland

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

A Multi-Agency Risk Assessment Conference is a local meeting where representatives from statutory and non-statutory agencies meet to discuss individuals at high risk of serious harm or murder as a result of domestic abuse. The meeting provides a safe environment for agencies to share relevant and proportionate information about current risk, after which the Chair will summarise and ask agencies to volunteer actions to reduce risk and increase safety. Each case should take between 12 and 15 minutes from start to finish.

The primary focus of the Marac is to safeguard the adult victim. However, the Marac will also make links with other agencies to safeguard children and manage the behaviour of the perpetrator. **At the heart of the 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.** Ensuring that the victim is supported throughout, and their needs represented at the Marac is crucial to managing risk, improving and maintaining safety, and reducing repeat victimisation.

### Who this toolkit is for

This toolkit will give anyone involved in the Marac process in Scotland an overview of the key components of the evaluated model to ensure Scottish Maracs are effective and victims at high risk of serious harm or murder get the robust, tailored, local response they deserve.

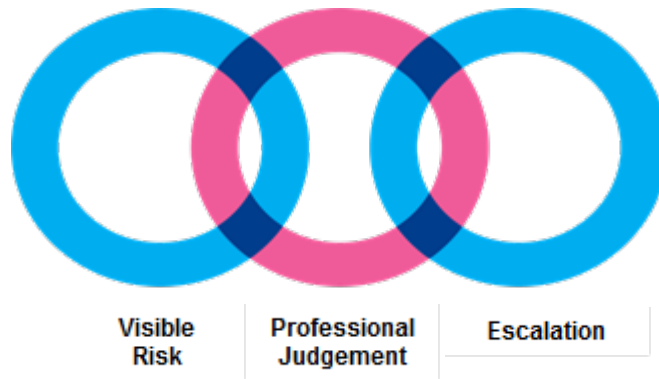
### What is in the toolkit?

- FAQs
- Flowcharts highlighting the key steps in running an effective Marac and outlining where common pitfalls occur
- Key documents that you will use at your Marac: SafeLives GDPR Guidance, the referral and research forms for Marac and the sharing information without consent form

## Marac Referral Criteria

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There are four criteria which professionals can use to refer a victim at high risk of serious harm or murder to Marac. It is important that anyone who meets the referral criteria is referred to Marac, and that one criterion is cited to evidence legal authority to share information.



### Visible high risk

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

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

### Professional judgement

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

In domestic abuse situations, professional judgement will be informed by the practitioner's knowledge of domestic abuse and its manifestations. Referrals to Marac can be made based solely on professional judgement. However it is the practitioner's responsibility to articulate what their concerns are and the reasons for the referral.

### Potential for escalation

The potential for escalation can be assessed by looking at the frequency and/or severity of abuse. It is common practice for services to determine there is a potential for serious harm or homicide when three domestic abuse events have been identified in a 12-month period. For example, three attendances at A&E, three police callouts or three calls to make housing repairs. This should alert professionals to the need to consider a referral to Marac.

## Repeat Referral

SafeLives defines a repeat as ANY instance of abuse between the same victim and perpetrator(s), within 12 months of the last referral to Marac. The individual act of abuse does not need to be 'criminal', violent or threatening but should be viewed within the context of a pattern of coercive and controlling behaviour.

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

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

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

## Frequently Asked Questions

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This document is intended as a general introduction to the work of Scottish Maracs. If you are involved in the Marac process and have questions which are not answered here, you may find it helpful to refer to our corresponding '[Frequently Asked Questions for professionals involved in Marac - Scotland](#)' document.

### How are victims' cases referred to a local Marac?

Any frontline agency representative that undertakes a risk assessment with a victim, and thereby determines that their case meets the high-risk threshold, can refer a victim's case to a local Marac. We know many victims will never report abuse to police or seek support from a specialist agency, but the majority will come into contact with a health professional, housing officer, school etc, therefore it is essential that domestic abuse is 'everyone's business' and Marac referrals are made by a wide range of agencies.

### How effective are Maracs?

Analysis in England and Wales shows that following intervention by a Marac and an Idaa service, up to 60% of domestic abuse victims report no further violence. We don't currently have enough Marac data for a Scottish evaluation but this is something we are working towards.

### Do Maracs save public money?

Severe domestic abuse causes spiralling and entrenched costs to the tax payer – SafeLives estimates that the average high risk domestic abuse case costs almost £20,000 in public money, based on an assumed average number of police call outs, A&E attendances and GP support.

This results in estimated direct costs of around £2.4 billion per year to the tax payer, and still more to employers. By proactively engaging with victims identified as being at high risk and establishing safety plans as quickly as possible, Maracs substantially reduce the cost associated with severe domestic abuse. From analysis of Marac data in England and Wales, SafeLives found that for every £1 spent on Maracs, it is estimated that at least £6 of public money can be saved annually on direct costs to agencies.

### Does SafeLives fund Maracs?

No. In England and Wales, individual police forces provide staff to chair local Maracs and the Home Office has provided some funding for Marac coordinators and Idvas (the equivalent of an Idaa in England and Wales). In Scotland, 60% of Maracs are chaired by Police Scotland and 40% have a multi-agency chair. There is no Scottish Government funding for Marac posts.

All other agency representatives attend Maracs as part of their normal, day-to-day work. Maracs are not currently a statutory provision, so there is no formal obligation for Maracs to exist in every area.

### How many Maracs currently operate in the UK? Where are they based?

Over 270 Maracs operate across the UK, and in 26 of Scotland's 32 local authorities. [SafeLives' Whole Lives report](#) highlighted that in order to ensure every victim at high risk from serious harm or murder can access support and vital safety planning from a local Marac, 39 are required across Scotland. To achieve this, some Scottish local authorities

are in the process of implementing Marac, and others are looking at increasing the frequency and capacity of existing Maracs.

### **What sort of actions can occur as a result of safety planning at Marac? How does this help victims in practical terms?**

Since all cases that come to Marac are high risk, co-ordinated action planning is an important way of reducing the risk to victims and improving the safety of other family members, especially children. As every case is different, the agency representatives present at the Marac will discuss each case and allocate appropriate actions accordingly. Actions often fall within the normal day-to-day remit of the agency representatives. Typical actions might include:

- **All agencies:** Identifying victims at high risk so they can provide an enhanced and responsive service in the event of an incident.
- **Police:** Placing the victim's home on 'cocoon watch'; taking further action against the perpetrator if required; target hardening; providing panic alarm; referral to Matak (Scotland); use of Intelligence.
- **Health:** Heightened awareness by health professionals around injuries sustained; ensuring that the victim is separated from the perpetrator upon presentation so that he/she is attended to by health professionals whilst he/she is alone.
- **Idaa/Specialist Support:** Feeding back Marac actions to the victim where safe; providing ongoing support to the victim; providing refuge; attending appointments with victims; assisting victim with finding new housing and education; ongoing co-ordination and communication between all agencies; continued risk assessment; feeding back on repeat victimisation to the Marac; assisting victims with seeking legal assistance.
- **Children's Social Work Services:** Agreeing to undertake an initial assessment of children involved in Marac cases as appropriate; give additional support to the family; making referrals to children and adolescent mental health services; clearly highlighting the actions the non-abusive parent has taken to safeguard their children, and holding the perpetrator accountable for their parenting choices.
- **Housing:** Assisting with finding alternative accommodation; supporting applications for housing benefit and homelessness; implementing safety devices on the home property.
- **Education:** Sharing information with appropriate staff to support children effectively; monitoring school performance and behavioural issues.
- **Criminal Justice Social Work:** Using information from Marac for pre-sentence report writing. Using engagement with perpetrator as an opportunity to appropriately challenge their abusive choices and need for control (when safe to do so).
- **Adult Support and Protection:** Making referrals to vulnerable adults team and/or voluntary sector support, for example, Age Concern.
- **Drug and Alcohol team:** Fast tracking access to specialist services and support, going to additional efforts to remove barriers and increase engagement of either perpetrator or victim.

**The responsibility for actions lies with each agency so transparency and accountability are crucial.**

### **Do victims know that their cases are being heard at Marac? What happens if they don't want this to happen?**

It is important that the victim is informed of the Marac. SafeLives recommends that it is good practice to work in partnership with victims where possible, in order to obtain the most up-to-date information directly from the victim. It is relatively unusual but in cases where the victim doesn't want to be referred, practitioners must assess whether it is proportionate and defensible to share information, depending on the level of risk which the victim is facing.

### **If agencies are sharing information, could this increase the risk to victims experiencing abuse?**

If a victim is at high risk of being seriously harmed or murdered, all agencies should consider whether it is proportionate and defensible to share information in order to better protect her/him. The Idaa will often be in a position to assess what actions might contribute to safety based on their relationship with the victim. By sharing information, a safety plan can be developed. The actions arising out of this plan should provide a greater level of support and protection for the victim.

Some victims whose cases are referred to Marac are at first concerned about the involvement of the police or social services. However, where the process is well managed, most victims that engage with an Idaa come to trust both them and the Marac process. The Marac process itself can be a transformative experience for victims, enabling many families to be liberated from prolonged and severe domestic abuse that has been ongoing for many years.

### **Are children discussed at Marac? How does Marac fit with the Safe and Together Model?**

The focus of the Marac is to implement a safety plan for the adult victim of abuse. However, children that are involved in the same Marac case as an adult victim will be part of the discussion and safety planning at Marac. This ensures that relevant agencies that are charged with safeguarding children are informed of the children's situation. For example, Children's Social Work Services may undertake a separate assessment of a child involved in a Marac case to determine whether or not the child requires additional support or safeguarding measures. In some cases vulnerable, previously 'hidden' children who are living with domestic abuse are identified through the Marac process.

The **Safe and Together Model** is an internationally recognised suite of tools and interventions designed to support professionals and ensure children's social work services are informed by the dynamics and manifestations of domestic abuse. A growing number of Scottish local authorities have accessed Safe and Together training which is reflected in the presentation of information and actions offered at Marac. The principals of Safe and Together fit well with the aims of Marac as they focus on highlighting the actions the non-abusive parent has taken to protect the child(ren), whilst holding the perpetrator accountable for their actions and parenting choices.

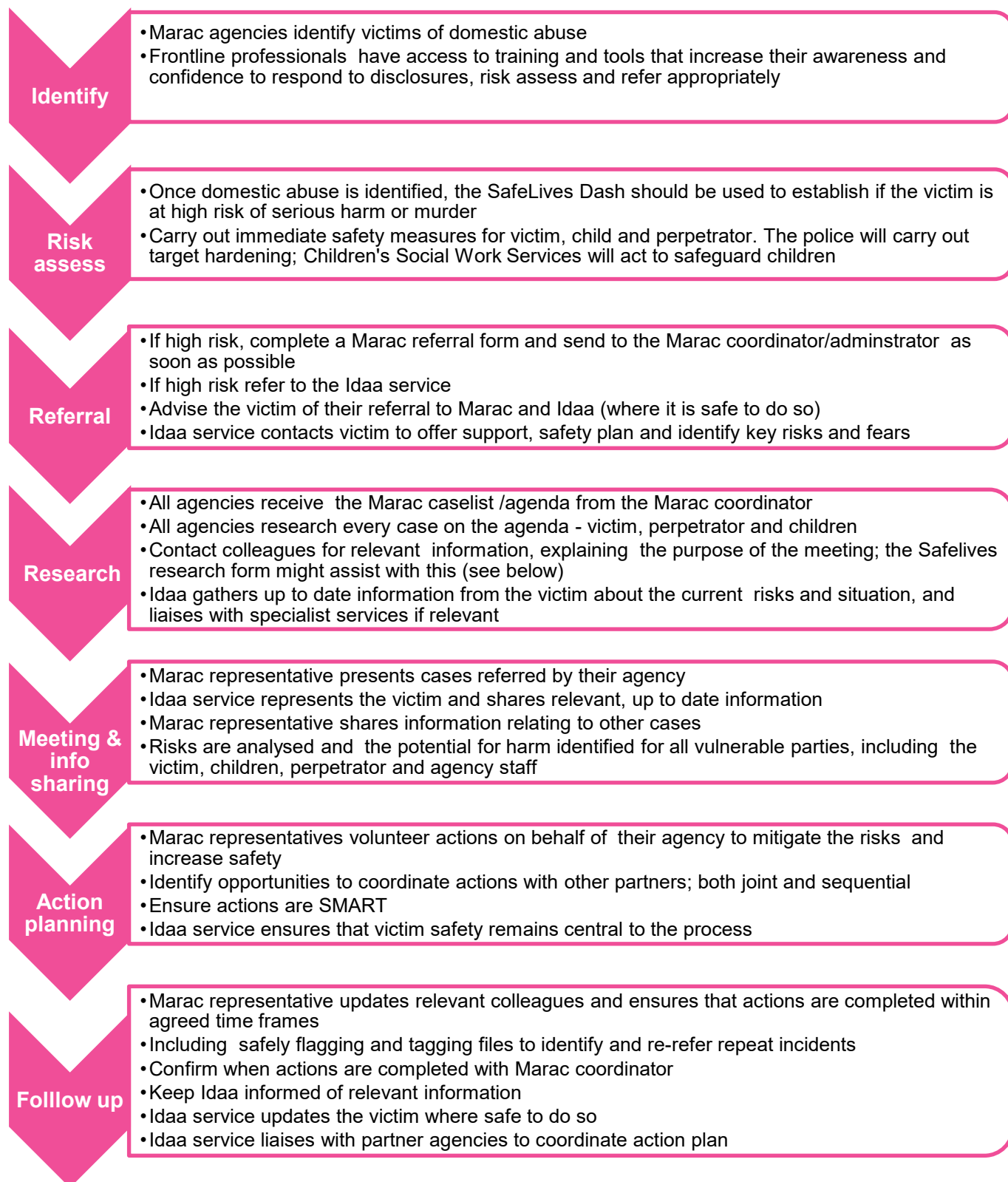
### **Can victims with no recourse to public funds be referred to Marac?**

Yes, the Marac is available for all adult domestic abuse victims who meet the Marac high risk threshold. A Marac case may be used as evidence in an application for Indefinite Leave to Remain (in the UK).

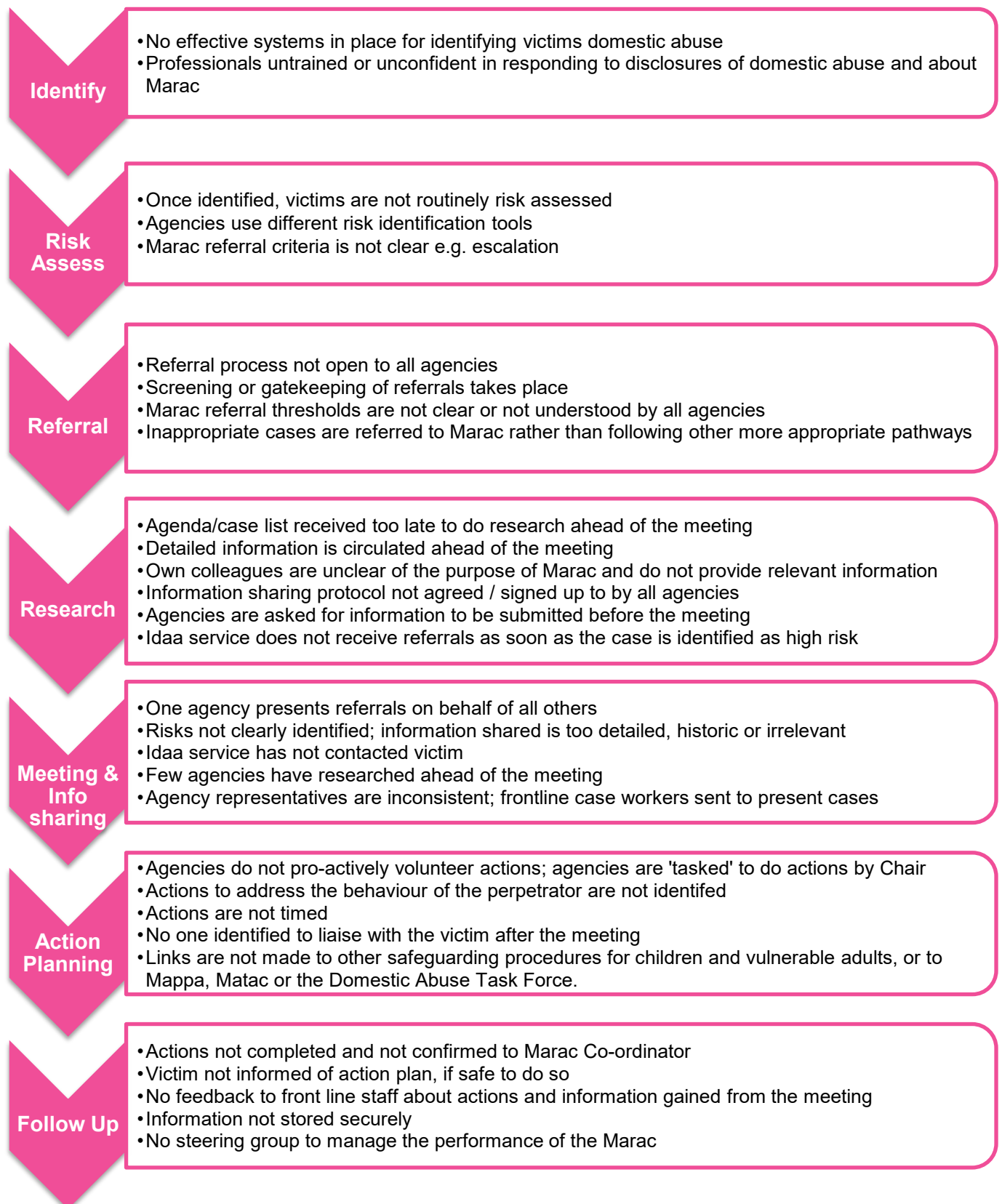
### **Can victims who have had a case referred to Marac receive legal aid?**

From 2012 onwards legal aid has been severely restricted for domestic abuse victims, however victims that have had their case referred to a Marac, received a letter from a GP or social worker to confirm they have experienced abuse or who have received support from a refuge within the last 24 months will be entitled to receive legal aid funding for legal representation in child contact and residency court cases.

### A Step-by-Step Guide to the Marac Process



## Some common pitfalls





## Summary of the Idaa role at Marac

### Idaa

**Provides specialist support before, during and after the Marac to address the risks faced by the victim; representing their views and wishes at the meeting, sharing expertise and co-ordinating the action plan**

### What is the role of the Idaa at Marac?

The Idaa is crucial to the Marac process. In the context of the meeting itself, their role is to keep victim safety central to the process. They are likely to have more information about the victim's situation including information about the perpetrator and what might influence their safety than any other agency. This information will be crucial in developing a safe and appropriate risk management plan for each victim and their family.

Finally, they will be expected to keep the victim informed of any decisions made by the other agencies where safe to do so, and to make sure that the other agencies provides their service safely. Since risk is always changing in domestic violence situations, a decision, which was safe at one time, may not be safe only a short time later and therefore the impact of an agency's actions can be affected.

The Idaa service will normally provide:

**a.)** A response to victims at high risk from the point of crisis following a referral, usually, within 24 – 48 hours of referral. Referrals will come from any agency that has identified a victim at high risk of serious harm or murder, or may receive self-referrals.

**b.)** The Idaa service will offer practical support to victims at high risk before, during and after the meeting. This includes:

- Reviewing an existing risk assessment that has been done by another agency and checking it again with the victim. Often, the victim will disclose more to an Idaa than to other professionals.
- Discussing the full range of safety options with the victim and developing a personalised safety plan tailored to their needs and circumstances, aiming wherever possible to keep them safe in their home.
- Providing practical support linked to the risks identified and based on their individual needs. This may be through the family courts, the criminal courts or in relation to housing, immigration or other issues.
- Contacting victims beforehand (where possible) and establishing how best the agencies at Marac can address the risk and safety issues. Represent the views of the victim at the meeting, and advocating for their safety.
- After the meeting it is usually the Idaa's role to follow up with the victim in order to communicate the key elements of the action plan. They will typically work with the victim for three to four months in total.

We recommend that an Idaa should have a caseload of no more than 100 referrals per annum of which we would expect around 60-70% to engage with the service. It is therefore critical that Maracs and the Idaa service locally is properly resourced in order to support the volume of victims that your Marac is dealing with.

## Definition of an Idaa (from SafeLives, ASSIST and Scottish Women's Aid)

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The main purpose of Independent Domestic Abuse Advocates (Idaa) is to address the safety of victims at **high risk** of harm from intimate partners or ex-partners to secure their safety and the safety of their children. In some services, particularly specialist black and minority ethnic (BME) services they may also work with clients who are at risk from extended family members. Serving as a victim's primary point of contact, Idaas normally work with their clients **from the point of crisis** to assess the level of risk, discuss the range of suitable options and develop safety plans.

They are **proactive** in implementing the plans which address immediate safety, including practical steps to protect their clients and their children, as well as longer-term solutions. These plans will include actions from the Marac as well as sanctions and remedies available through the criminal and civil courts, housing options and services available through other organisations. Idaas work over the short to medium-term to put them on the path to **long-term safety**. They receive specialist training and hold an SQA qualification.

Since they work with the highest risk cases, Idaas are most effective as part of an Idaa service and within a multi-agency framework. The Idaa's role in all multi-agency settings is to keep the client's perspective and safety at the centre of proceedings.

Idaas will sit within a spectrum of domestic abuse organisations, and their specific role is to take on the intensive high risk-led work at the beginning of the client's journey. Once that risk is managed to point where the client is no longer high risk, the Idaa will refer on to other domestic abuse services to meet their long-term safety and support needs.



REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

(4) The right to the protection of personal data is not an absolute right; it must be considered in relation to its function in society and be balanced against other fundamental rights, in accordance with the principle of proportionality.

#### Glossary of Terms & Resources

**Controller:** *controls the purposes and means of processing personal data*

GDPR checklist for data controllers

**Processor:** *responsible for processing personal data on behalf of a controller*

GDPR checklist for data processors

**Personal Data:** any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier (e.g. name, DOB, ID code etc)

**DPIA (Data Protection Impact Assessment):** (See Article 35) A DPIA is a process for building & demonstrating compliance. It is designed to describe the processing, assess the **necessity and proportionality** of a processing and to help manage the risks to the rights and freedoms of natural persons resulting from the processing of personal data. DPIAs are important tools for accountability, as they help controllers not only to comply with requirements of the GDPR, but also to demonstrate that appropriate measures have been taken to ensure compliance with the Regulation (see also article 24)<sup>4</sup> (also referred to as Privacy Impact Assessment)

# The General Data Protection Regulation (GDPR)

## A briefing for Maracs

Updated May 2018

The General Data Protection Regulation (also known as the GDPR), replaces the existing Data Protection Act of 1998 on 25th May 2018. The UK Data Protection Act 2018 will sit alongside but remain separate from the GDPR. This will be in force by 25<sup>th</sup> May 2018 (see link on left to DP Protection Bill). The introduction of new legislation can cause concern and confusion, which can in turn limit information sharing. For a full list of the legislative changes, see the website of the **Information Commissioner's Office**.

We have created this Briefing as a general guidance for those managing the Marac process to help understand what **changes** you can expect; the **impact** on the Marac process and what Marac Governance groups need to **consider** to ensure compliance; linking relevant and useful **resources** where appropriate.

### How does GDPR change Data Protection?

The changes which the GDPR bring are predominately about tightening up data management practices including, for instance better recording of data, improving the content of privacy notices, and the way consent is obtained. It is not, therefore, a total overhaul of systems and processes. The GDPR places more emphasis on being accountable for and transparent about the lawful basis for processing data. (See Article 6 )

### How will GDPR impact on the Marac process?

Under the GDPR, the data protection principles set out the main responsibilities for organisations and it is each organisation's sole responsibility to ensure that they are GDPR compliant.

A useful guide has been produced by the ICO for all agencies to plan for compliance: '**12 steps to prepare for GDPR**'.

## Links to Relevant Resources

[Lawful Basis for processing Data](#)

[Consent](#)

[Contract](#)

[Legal Obligation](#)

[Vital Interest](#)

[Public task](#)

[Legitimate Interests](#)

[Special Category Data](#)

[Criminal Offence Data](#)

[Safeguarding Amendment to Data](#)

[Protection Bill](#)

Victoria Atkins MP announced the bill is intended to make it easier to carry out "legitimate safeguarding activities that are in the substantial public interest, and will "cover the safeguarding activities expected of organisations responsible" for individuals at risk.

The bill will provide a framework within which organisations can justify such reasonable preparatory and policy steps as they deem necessary. This may include bespoke policies on monitoring, reporting, retention and record-keeping: to ensure organisations capture all the information relevant to questions of early help or prevention.

[ICO Introduction to the Data](#)

[Protection Bill](#)

## Considerations for Marac Governance Groups

### Awareness

All organisations that are currently signed up to the Marac process need to be aware that the law is changing to the GDPR. They need to appreciate the impact this is likely to have and ensure that they are compliant. We recommend that Marac Governance Groups as part of their review of operating protocols be satisfied that all agencies are GDPR compliant. This will ensure high level compliance with data protection legislation throughout the process and reduce the risks of data breaches, notifications of which will now be mandatory.

### Data Protection by Design and Data Protection Impact Assessments

We recommend that Marac Governance groups familiarise themselves with the **ICO's code of practice on Privacy Impact Assessments (PIA)** as well as the latest guidance from the Article 29 Working Party, and work out how and when to implement them in your organisation. If the Marac has a website or has links to websites the PIA must be displayed.

### Data Protection Officers

Marac Governance groups should consider designating a task group to take responsibility for data protection compliance and assess where this role will sit within the Marac structure and governance arrangements. As Marac is not an entity it relies on each agency being data compliant.

### Information held

The Marac as best practice evidences should document what personal data is held in the minutes, where it came from (the agency referring in) and who it is shared with – agencies in attendance when the case is heard. The ICO advise to organise an information audit. The agency that hosts Marac administration systems will need to include this within their process and enable Marac data in their audit to be GDPR compliance.

## **IMPORTANT**

A Marac is neither an organisation, nor an agency. A Marac is not a legal entity in its own right.

This Briefing is not intended to be a detailed Guidance for those agencies or practitioners looking to check their own GDPR Compliance status. It is essential that the ICO is used as the source for that information and we have added links here where appropriate which will help you navigate the websites, the GDPR & The DP Bill

## **Children & the GDPR Guidance**

The consultation closed on 28 February & the ICO are yet to publish the Final Guidance. See Draft [here](#)

SafeLives are currently reviewing and updating all relevant Marac templates, Guidance and other documents to reflect GDPR & The UK DP Act 2018

They will be published on our website in due course

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## **Communicating privacy information**

Marac should review current information sharing, operating protocols and privacy notices, putting a plan in place for making any necessary changes in time for GDPR implementation.

## **Individuals' rights**

Marac Governance and all agencies will need to check procedures to ensure all the rights individuals have are covered, including how personal data would be deleted.

## **Subject access requests**

Agencies should update their procedures and plan how they will handle requests within the new timescales and provide any additional information. Information shared in the Marac process is owned by those sharing that information or processing that data. Marac Governance Groups and agencies should familiarise themselves with the information that is [Exempt \(S40\(4\) & Reg 13\(3\) \)](#)

## **Lawful basis for processing personal data**

The Marac and agencies that are signed up to Marac will need to identify the lawful basis for all data processing activity in the GDPR; this must be documented and the privacy notice updated to explain it.

See advice and guidance on the ICO website [here](#). Of relevance to the Maracs it is important to note that to process personal data about criminal convictions or offences, there must be both a lawful basis under Article 6 and either legal authority or official authority for the processing under Article 10. Much of the information shared in the Marac process will fall into the **Special Category Data**. To lawfully process special category data, you must identify both a lawful basis under Article 6 and a separate condition for processing special category data under Article 9. These do not have to be linked.

**The new Bill**, and amendment 85, goes further in empowering organisations to process personal data for safeguarding purposes lawfully, without consent where appropriate. The new amendment provides a lawful ground for the processing of special category personal data – without consent if the circumstances justify it – where it is in the substantial public interest, and necessary for the purpose of:

(i) protecting an individual from neglect or physical, mental or emotional harm; or (ii) protecting the physical, mental or emotional well-being of an individual.

Where that individual is:

- a child or an adult at risk
- under 18 or,
- having needs for care and support,
- experiencing or at risk of neglect or any type of harm
- unable to protect themselves.

The amendment still expects the **possibility** of obtaining consent, unless it would prejudice the safeguarding purpose (i.e. the protection of the individual). The question must be whether the use of the personal data is **proportionate** to the lawful aim. The law intends any justifiable step to protect individuals at risk to be considered as being in the substantial public interest.

It is worth noting that the amendment concerns special category data (including physical and mental health or sexual life) but not criminal records information, which is now to be treated separately.

## Consent

Organisations should review how they seek, record and manage consent and whether they need to make any changes. Everyone will need to refresh existing consents now if they don't meet the GDPR standard. We recommend that agencies follow the advice and guidance of the ICO [here](#) . Consent is one way to comply with the GDPR, but it's not the only way. The GDPR sets a high standard for consent. For cases meeting the Marac threshold of high risk, it is unlikely that consent will be the lawful basis under which information is shared. Recording the lawful basis & the legislation relied upon will be key in justifiable decision making for every agency throughout the Marac process.

## Children

The ICO have produced [guidance relating to children and GDPR](#).

## Data breaches

The Marac Operating/Information Sharing Protocol should make sure Maracs have the right procedures in place to detect, report and investigate a personal data breach.

It is important going forward that Marac Governance groups track legal and regulatory developments to ensure ongoing compliance.

# Marac Forms – Scotland

## Marac Referral Form

### About this form

This form, when completed will contain personal information (data) including special category (sensitive) data. You are required to comply with General Data Protection Regulations (GDPR) in the processing (including storage & retention) of this data. Please refer to your internal Data Protection Policy; local Marac Operating & Information Sharing Protocols; the GDPR and the Data Protection Act 2018.

Article 5 of the GDPR sets out seven key principles which lie at the heart of the general data protection regime. These principles should lie at the heart of your approach to processing personal data.

### Compliance

It is the responsibility of the referring agency to comply with GDPR and the seven key principles. Compliance with the spirit of these key principles is a fundamental building block for good data protection practice. It is also key to your compliance with the detailed provisions of the GPDR. Failure to comply with the principles may leave you open to substantial fines.

### Purpose

The purpose of a Marac referral form is to provide only the relevant information required to enable the Marac administrative team to process the personal data and information necessary to populate an accurate agenda to be sent to the relevant agencies listed within the Marac Operating Protocol (MOP), and to maintain accurate records as agreed within the MOP. A separate referral with additional information will need to be completed for referral to Idaa.

This form will need to be adapted if the Marac administrative team are required by employers/local protocols to do more than is recommended for their role by SafeLives. Any adaptations and additional processing must be GDPR & DPA 2018 compliant.

Go to the next page for the **Referral Form**.

# Marac Referral Form – Scotland

<b>Referring Agency</b>		<small>Referring agency is <i>required</i> to attend Marac meeting to present case, if this is not possible please provide details of the agency representative who will attend and present the case on your behalf (they must be fully informed of up to date information at the date of the meeting).</small>
<b>Contact name(s)</b>		
<b>Work Telephone / email</b>		
<b>Date</b>		
<b>Name of victim referred</b>		<b>Victim DOB</b>
<b>Address</b>		
<b>Contact telephone numbers (mobile or landline)</b>		<b>Safe to call?</b>
<b>GP Surgery (if known)</b>		
<b>Diversity data (if known)</b>	B&ME <input type="checkbox"/> (including Traveller Community) Disability <input type="checkbox"/> (see <a href="#">Guidance</a> ) Lesbian <input type="checkbox"/> Gay <input type="checkbox"/> Bisexual <input type="checkbox"/> Trans <input type="checkbox"/> Gender M <input type="checkbox"/> F <input type="checkbox"/> Non-binary <input type="checkbox"/> Does the person's gender match that assigned at birth? Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown <input type="checkbox"/>	
<b>Perpetrator(s) name (include any known alias)</b>		<b>Perpetrator(s) DOB</b>
<b>Perpetrator(s) address</b>		<b>Relationship to victim</b>

<b>Children and Young People</b> <small>(please add extra rows if necessary)</small>	<b>DOB</b>	<b>Relationship to victim</b>	<b>Relationship to perpetrator</b>	<b>Address</b>	<b>School (if known) / Lead Person</b>



## Reason for referral and lawful basis for sharing this information

NB: Consider relevancy, proportionality and whether the information provided is necessary for the purpose of this referral form.

It is the responsibility of the referring agency to be satisfied that the threshold for Marac is reached (that the victim of domestic abuse is at high risk of serious harm or homicide). It is not necessary for the purpose of this Marac referral form to share details here. It is, however, important to indicate under which criteria the threshold is met:

<b>Professional judgement</b>	Y / N	<b>Visible high risk</b> (14 yes answers or more on SafeLives Dash risk checklist)	Y / N Score:
<b>Potential escalation in frequency and/or severity of abuse</b>	Y / N	<b>Marac repeat</b> (see 2018 definition <a href="#">here</a> )	Y / N
<b>If repeat, please provide the date listed / case number (if known)</b>			
<b>Has the victim been referred to any other Marac in a different area previously</b>	Y / N (if Yes, please state where & when)		
<b>Please confirm whether a referral has been made to the Idaa Service</b>	Y/N		
<b>Is the victim aware of the risk assessment and informed of Marac referral?</b>	Y / N	<b>If no, why not?</b>	
<b>Please confirm the lawful basis for the processing of this personal information (your Privacy Notice or MOP should include the lawful basis as well as the purpose for the processing)</b>			
<b>Under what condition (Article 9 (2) GDPR) is special category data shared? Please detail.</b>	Y / N		

## Marac Research Form

Consistent and accurate research will help attendees at Marac to build up as comprehensive a picture as possible of a case at the meeting.

In practice, most agencies will frequently be unaware of information held by others. If research is done before the meeting, it can be shared where appropriate and an action plan can be established in the timeliest way possible.

- When undertaking research in advance of the meeting, it is important that agencies do not automatically contact the victim unless they need to take immediate actions to address risk. In most cases, the Idaa service will contact the victim in advance of the meeting and agencies should contact either the Idaa service or the referring agency in the first instance;
- Some agencies will be working with either children or the perpetrator; in this case the research form may need to be adapted to reflect their particular source of information;
- The research form should be completed by the designated agency representative themselves or they may contact the relevant officer or support / key worker;
- The information within the research form should be current, accurate and, where necessary make a distinction between fact and professional opinion;
- Expectations about the use of a common research form by agencies should be addressed in the Marac Operating Protocol (MOP). SafeLives would recommend that research forms are internal documents for use by the relevant agency and the information contained within them should be shared verbally at the Marac meeting, where relevant and proportionate.
- It is possible that you will record info on the research form that you decide is not relevant to share at the Marac. You may wish to write this and the reasons for not sharing the information on the research form.

Go to the next page for the **Research Form**.

# Marac Research Form – Scotland

<b>Name and agency</b>	
<b>Telephone / email</b>	
<b>Date</b>	
<b>Victim name</b>	
<b>Victim DOB</b>	
<b>Victim address</b>	
<b>Marac case number (from agenda)</b>	

		Please insert any changes / errors / other information (eg aliases or nicknames) below
<b>Are the victim details on the Marac list accurate?</b>	Y / N	
<b>Are the children(s) details on the Marac list accurate?</b>	Y / N	
<b>Are the perpetrator details on the Marac list accurate?</b>	Y / N	

Note records of last sightings, meetings or phone calls	
Note recent attitude, behaviour and demeanour, including changes.	
Highlight any relevant information that relates to any of the risk indicators on the checklist (eg the pattern of abuse, isolation, escalation, victim's greatest fear etc)	
Other information (eg actions already taken by agency to address victim's safety)	
What are the victim's greatest priorities to address their safety?	
Who is the victim afraid of? Include all potential threats, and not just primary perpetrator	
Who does the victim believe it safe to talk to?	
Who does the victim believe it <u>not</u> safe to talk to?	

## Information Sharing Without Consent Form

SafeLives recommend that all practitioners have a good working knowledge of the provisions in The GDPR 2018 and the Data Protection Act 2018 and refer to the Information Commissioner's Office (ICO)<sup>1</sup> for advice and guidance on information sharing. You should also refer to internal policies and your local Marac's Operating Protocol/Information Sharing Protocol.

<b>Name and DOB of Survivor</b>			
<b>Address</b>			
<b>Children</b>	<b>DOB</b>	<b>Address</b>	<b>School / Named Person</b>

<b>Who is at Risk?</b>	<b>Immediate risk/crisis</b>	<b>Risk identified through risk assessment</b>	
Risk/danger to child(ren)			
Risk/Danger to survivor			
Risk/Danger to vulnerable adult			
Client poses a risk to self or others			
<b>Have you asked for consent to share information:</b>		<b>Escalation in Severity and Frequency of abuse?</b>	Yes / No
<b>Professional Judgment:</b>		<b>Repeat Marac Case?</b>	Yes / No
<b>Risk Checklist (if it has been possible to complete a SafeLives DASH, attach it here)</b>	/ 24 (number of ticks)		
<b>Details of incident / information causing concern (include source of information)</b>			

<sup>1</sup> <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/>

## Legal Authority to Share

<b>Protocol relevant</b>	Y / N	If yes, <i>please detail</i>	
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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 (DPA, 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	
Adult Support and Protection (Scotland) Act 2007	
Local Government in Scotland Act 2003	
Overriding public interest (common law)	
Child protection – disclosure to social services or police for the exercise of functions under the Children and Young Person’s (Scotland) Act 2014 where the public interest in protecting the child’s safety and wellbeing 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)

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

## Survivor Notification

<b>Client notified</b>		<b>Date notified</b>	
<b>If not, why not?</b>			

## Review

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

**Record the following information-sharing in case file:**

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

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