

Kirklees

**Daily Risk Assessment
Management Meeting (DRAMM)**

and

**Multi-Agency Risk Assessment
Conference (MARAC)**

Information Sharing Protocol



Version Control Table

Ref	Reason for Amendment	Details of amendments	Date finalised	Circulated to partners
0.1	First draft (following comments/amendments from MARAC Chair and DASP)		23/05/17	Draft circulated to MARAC partners and Information Governance Team for comment
0.2	Revised in light of comments from MARAC representatives	Amendments to wording, 139 revisions made. Significant revisions to: 1.10 exhausting avenues of resolution 3.3 limits of confidentiality 3.5 obtaining consent 3.10 lawful authority to share 3.28 referrals to DRAMM-MARAC 3.32 feedback to service users 4.5 Police action in safety plan 4.25 flagging files 7.8 storage of information	30/08/17	Draft circulated to DASP for comment
0.3	Revised in light of comments from DASP representatives:	Amend details for CHART CGL Amend wording under 3.14 and 3.23 (reporting crimes to Police)	27/09/17	Final version circulated to DASP partners and published on KSCB/ KMC websites
0.4	Revised in light of new GDPR	Amendments to 2.3 to clarify our position in respect of consent 3.10, 8.10 and appendix one to reflect GDPR 3.24-3.26 reflect changes in Duty and Advice 4.9-4.11 new section on Clare's Law 4.12-4.14 new section on DVPOs	01/10/18	Draft circulated to DRAMM-MARAC steering group for comment
1.0	Revised in light of feedback from DASP	Corrections to typographical errors, formatting	13/11/18	Published on KMC and KSCB website

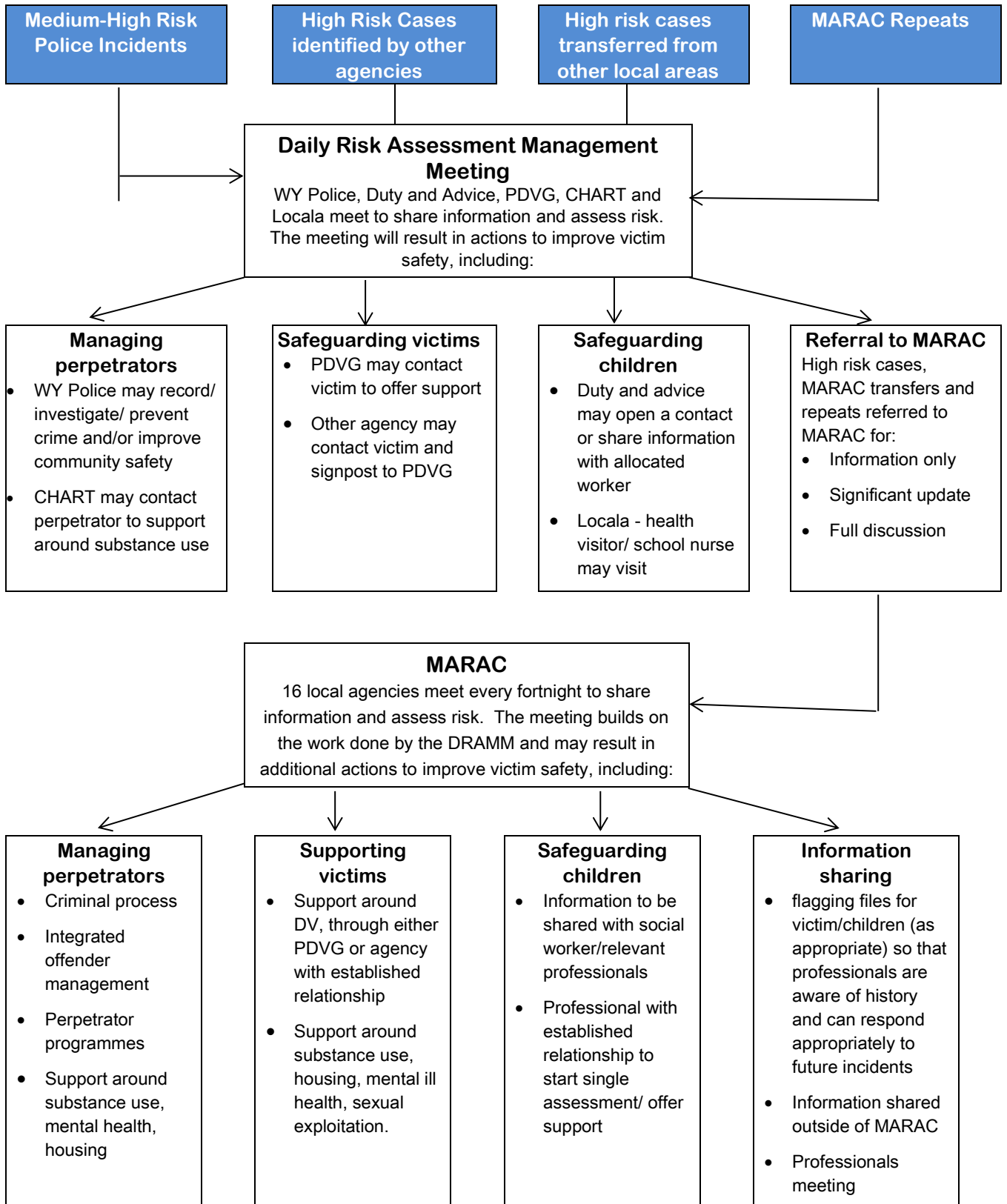
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1. Introduction

1.1. Statutory agencies in Kirklees have established a multi-agency process to respond to the most serious cases of domestic abuse in Kirklees. This process is illustrated in the chart below and incorporates the core functions of the Daily Risk Assessment Management Meeting (DRAMM) and Multi-Agency Risk Assessment Conference (MARAC):



- 1.2. The Daily Risk Assessment Management Meeting (DRAMM) was implemented in 2016 to complement and provide a triage stage for the existing Multi-Agency Risk Assessment Conference (MARAC). The two processes work seamlessly together to reduce the risk of serious harm and increase the safety and wellbeing of victims and their children. Specifically:
- **DRAMM – the Daily Risk Assessment Management Meeting.**
 - DRAMM is a daily (Monday-Friday) meeting to discuss police incidents and MARAC referrals/transfers/repeats from the previous 24 hours (72 hours on a Monday);
 - A small number of key agencies consider the incidents/referrals and compile relevant information regarding their involvement with the victim, perpetrator and any children identified in the referral;
 - DRAMM agencies meet to share this information and clarify identifying details about victims, perpetrators and children identified in the referrals or linked to the victim or perpetrator on agency systems;
 - The DRAMM use this information to assess the risk of harm and develop a safety plan, which may include an offer of appropriate services for victims, perpetrators and any children that may be affected by the abuse; and
 - The DRAMM will determine if a case is high risk and warrants a referral to MARAC.
 - **MARAC – Multi-agency Risk Assessment Conference.**
 - MARAC is a fortnightly meeting to discuss high risk cases that have been referred by the DRAMM;
 - Representatives of signatory agencies consider the referrals and compile relevant information regarding their involvement with the victim, perpetrator and any children identified in the referral or linked to the victim/perpetrator on agency systems;
 - MARAC agencies meet to share relevant information (identified above);
 - The MARAC use this information to assess the risk of harm and review the safety plan developed and implemented by the DRAMM; and
 - The risk assessment is linked to the provision of appropriate services for anyone that may be affected by domestic abuse, including victims, perpetrators, children and other adults that may be at risk from the perpetrator.
- 1.3. Some agencies do not currently participate in the DRAMM and only attend the MARAC. However, signatories to this Protocol agree that the DRAMM acts a triage to the MARAC and information is to be shared across both processes in line with the arrangements set out in this protocol.
- 1.4. This document sets out the arrangements for sharing information between agencies who have agreed to participate in the DRAMM-MARAC. It sits within the broader Kirklees 'Taking up the Challenge Towards Freedom' Domestic Abuse Strategy 2015-2018, which states that *'in Kirklees no one has to live in fear of domestic abuse and victims and their families are able to access high quality and timely support delivered by well-trained, supportive staff and volunteers who support people when risks are identified and impact is significant.'*
- 1.5. Abiding by the principles in this Information Sharing Protocol ensures compliance with relevant legislation, as listed in the Privacy Notices provided as Appendix One. Clarifying the arrangements for information sharing between DRAMM-MARAC agencies also aims to promote trust between agencies.

Signatory Agencies

1.6. The agencies listed below are signatory to this protocol and participate in the DRAMM-MARAC:

- Calderdale and Huddersfield NHS Foundation Trust
- Change, Grow, Live delivering CHART Kirklees Integrated Substance Misuse Service (CHART)
- Connect Housing
- Kirklees Council – Adults Social Care, Housing Solutions Service, Multi-Agency Safeguarding Hub, Pupil Attendance And Support, Safer Kirklees; Targeted Youth Support, Youth Offending Team
- Kirklees Neighbourhood Housing
- Kirklees Rape and Sexual Abuse Counselling Centre
- Locala Community Partnerships
- Pennine Domestic Violence Group
- South West Yorkshire Partnership NHS Foundation Trust
- The Mid Yorkshire Hospitals NHS Trust
- Victim Support
- West Yorkshire Police
- West Yorkshire Probation – Community Rehabilitation Company
- West Yorkshire Probation – National Probation Service
- Womenscentre Calderdale and Kirklees
- Yorkshire Children’s Centre - Domestic Abuse Perpetrator Programme

1.7. Agencies that are not signatories to this Protocol may also participate in the DRAMM-MARAC process on individual cases. Agencies that make referrals to the DRAMM-MARAC, attend DRAMM or MARAC meetings and/or receive information shared through the DRAMM-MARAC process are expected to comply with the provisions of this protocol.

Complaints

1.8. Complaints regarding the DRAMM-MARAC process should be referred to the relevant agency’s DRAMM-MARAC representative, MARAC Coordinator and/or MARAC Chair.

1.9. The MARAC Chair will seek to resolve the complaint with the relevant agency. If this is not possible, the complaint may be escalated to the Domestic Abuse Strategic Partnership.

1.10. Individuals retain the right to raise a complaint with the Information Commissioner or the statutory Ombudsman.

Breaches

1.11. All agencies retain responsibility for managing their own staff’s compliance with this protocol.

1.12. The MARAC Chair and Domestic Abuse Strategic Partnership should be advised of breaches of this protocol.

Withdrawal

- 1.13. Signatories may choose to withdraw from participating in the DRAMM-MARAC process. An appropriate representative of the agency that wishes to withdraw should advise the Chair of the MARAC of their intention to withdraw and why this is considered necessary.
- 1.14. The Chair will advise the next meeting of the Domestic Abuse Strategic Partnership of the agency's intention to withdraw from the DRAMM-MARAC process. The Partnership will consider the impact of this withdrawal and if any steps may be taken to encourage the withdrawing agency's continued participation in the DRAMM-MARAC.
- 1.15. If an agency can no longer participate in the DRAMM-MARAC, they will no longer receive correspondence regarding the DRAMM-MARAC. It is expected that the withdrawing agency will destroy or return all data relating to the DRAMM-MARAC. Withdrawing agencies must continue to comply with the terms of this Protocol in respect of any data that the partner has obtained through being a signatory.

Review

- 1.16. This Protocol will be regularly reviewed to ensure compliance with any new legislation or national guidance. This Protocol will also be reviewed in light of any changes to partner agency structure or organisational practice that significantly affect the operation of the DRAMM-MARAC.
- 1.17. In any event, this Protocol should be formally reviewed on an annual basis, with the next review to be completed by no later than October 2019.

2. Principles for sharing information through DRAMM-MARAC

- 2.1. Professionals that participate in the DRAMM-MARAC have a duty to decide where to "strike the balance"¹ between maintaining an individuals' confidentiality/privacy and their professional responsibility to share safeguarding concerns. Professionals that make referrals to the DRAMM-MARAC or attend DRAMM and/or MARAC meetings will need to use their own professional judgement about information that should be shared to inform risk assessments and safety planning.
- 2.2. As general principles, professionals should consider if their information:
 - may lawfully be shared;
 - is necessary for the purpose of properly assessing and managing the risks to victims and children in high risk domestic abuse cases; and
 - is proportionate – disclosures should use only the minimum information required.
- 2.3. The decision to report serious safeguarding concerns is informed by a risk assessment and is not dependent on a victim's consent. While it is generally good practice to obtain a victim's consent in order to facilitate ongoing work and support from other professionals, consent is not the lawful basis under which information is shared through the DRAMM-MARAC.

¹ Department of Health, 2012. "Striking the Balance" *Practical Guidance on the application of Caldicott Guardian Principles to Domestic Violence and MARACs (Multi Agency Risk Assessment Conferences)*

- 2.4. Information shared through the DRAMM-MARAC is only to be used by signatory agencies for the purposes of delivering safe and effective services to a victim at high risk of harm; and to support ongoing case work in respect of the victim, her/his children and/or the alleged perpetrator.
- 2.5. **Information is not to be shared with any third party without the express consent of the MARAC Chair.** Extraordinary care should be taken to ensure that DRAMM-MARAC information is not inadvertently shared with the perpetrator.
- 2.6. The DRAMM-MARAC is not a legal entity and therefore does not own any information shared by agencies through the DRAMM-MARAC process. Similarly, signatory agencies in receipt of information through DRAMM-MARAC do not become data controllers of that information. The owner of information shared through DRAMM-MARAC is the original supplying agency (i.e. the referring agency; agencies providing information at DRAMM-MARAC meetings).
- 2.7. Signatory agencies are to ensure that they have adequate security arrangements in place to receive, store and send DRAMM-MARAC information securely.
- 2.8. Any request for information (including subject access requests or freedom of information requests) recorded at the DRAMM-MARAC may only be shared with the consent of all agencies that supplied information to that MARAC. Individual agencies are expected to have and comply with their own data access procedures, and would be encouraged to seek advice from MARAC Chair prior to sharing any information.
- 2.9. Agencies that wish to participate in the DRAMM-MARAC are to abide by the provisions of this protocol, and agree to share information for the purposes of DRAMM-MARAC outlined in this protocol, to comply with all relevant legislation, to seek their own legal advice as appropriate and to use the information shared by other agencies only for the agreed purpose.

3. Professional Responsibility to Report Safeguarding Concerns

- 3.1. Professionals that work within DRAMM-MARAC partner agencies may interact with victims of domestic abuse and/or their children. The professional nature of this interaction, which occurs as a result of the services that the agency provides, places a responsibility on professionals to report serious safeguarding concerns when they are presented.
- 3.2. Professionals in Kirklees have a responsibility to:
 - report serious safeguarding concerns to West Yorkshire Police;
 - report safeguarding concerns regarding adults with care and support needs to Gateway to Care;
 - report safeguarding concerns regarding children to the Multi-Agency Safeguarding Hub; and
 - refer cases of high risk domestic abuse to the DRAMM-MARAC.
- 3.3. It is good practice for professionals to clearly communicate this responsibility to service users at the beginning of any service provision and/or intervention. Service users should be specifically advised about the circumstances in which professionals may report matters to police and other agencies.

Obtaining Consent

- 3.4. The decision to report a crime, report safeguarding concerns regarding adults and children, and/or refer cases of high risk domestic abuse to the DRAMM-MARAC is made on the basis of a risk assessment and is not dependent on the victim's consent.
- 3.5. However, it is good practice to obtain the service user's consent before sharing safeguarding concerns. As such, where appropriate (see section 3.8 below) and possible, explicit consent for reporting safeguarding concerns and/or making a referral to the DRAMM-MARAC should be obtained and consent to share information should be clearly recorded.
- 3.6. It should be made clear to the service user that they have a right to withhold their consent or to change their mind at a later date. Such instances should be recorded. Similarly, if the service user places a limit on the disclosure of information in any way, then this must be clearly recorded.
- 3.7. There may be circumstances where victims choose not to provide consent. Where personal information is to be shared without consent, full details will need to be recorded about the information to be shared, the reasons justifying disclosure, the person authorising the disclosure and the intended recipients of the information.
- 3.8. It may not be appropriate to attempt to seek consent if doing so would:
 - place a child at risk of significant harm;
 - place an adult at risk of serious harm;
 - prejudice the prevention or detection of a serious crime; and/or
 - lead to unjustified delay in making enquiries about allegations of significant harm.

Lawful Authority to share safeguarding concerns without consent

- 3.9. Professionals have a duty of confidentiality to their service users and should obtain consent before sharing personal information to anyone outside the team providing support.
- 3.10. However, an individual's right to confidentiality is not absolute. Professionals can override an individual's right to confidentiality:
 - To aid the prevention and detection of crime (as per the Crime and Disorder Act 1998);
 - To protect vital interests of the data subject or another person; to perform a task carried out in the public interest (6.1(d) and 6.1(e), General Data Protection Regulations);
 - To protect an individual's human right to life and right to be free from torture or inhuman or degrading treatment (Human Rights Act, Articles 2 & 3); and
 - for the prevention of abuse and neglect (the Care Act 2014).
- 3.11. Further detail about these legal justifications is provided in the DRAMM-MARAC Privacy Notice, provided as Appendix One.
- 3.12. Specialist advice should be sought if there is any uncertainty regarding the appropriateness of using any of the above justifications for sharing information without the service user's consent. Agencies should have their own procedures for information sharing and seek legal and/or other specialist advice as necessary.

Reporting Crimes to Police

- 3.13. The Domestic Abuse Strategic Partnership expects professionals in Kirklees to report serious safeguarding concerns to the police. This expectation is consistent with the provisions of the Crime and Disorder Act and Data Protection Act (outlined in s3.14 – 3.16 above).
- 3.14. The Home Office Counting Rules and National Crime Recording Standard include procedures to be followed by all Police forces for recording reports from third parties.
- 3.15. Where a report is received from professional third parties, which DRAMM-MARAC partner agencies would be classed as, then the report should be taken as if it had come directly from the victim. This applies even if the victim is not aware that the information is being shared, or even if they have asked for this not to be shared.

Police Response

- 3.16. The report will be examined and if appropriate a crime will be recorded in accordance with the National Crime Recording Standards. The Police then have a statutory responsibility to undertake further investigation and/or actions to safeguard victim and/or the general public.
- 3.17. The approach to investigating crimes, and/or undertaking any further safeguarding actions, will be informed by an assessment of risk which will be managed by the police.
- 3.18. To err on the side of caution, Police will assume that, when a professional reports a domestic related crime to the police, the perpetrator of this crime is not aware of the disclosure and that sharing this information with the perpetrator before risk is effectively managed is likely to increase the risk of harm to the victim.

Judicial Proceedings

- 3.19. Any disclosures made to a MARAC partner agency professional by a victim or perpetrator service user may be relevant in ongoing judicial proceedings. As such these disclosures and any associated documentation may be considered as evidence in such proceedings. The service users should be reminded of this to ensure there is no misunderstanding between them and the professional on their relationship.

Safeguarding Adults

- 3.20. Professionals should make a referral to Gateway to Care if they are working with an individual that:
 - has or may have needs for care and support (whether or not the local authority is meeting any of those needs);
 - is experiencing, or is at risk of, abuse or neglect, and
 - as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it.
- 3.21. Wherever possible, professionals should consider what the adult at risk wants to happen next, what they want to change about their situation, and what support they want to achieve that.

3.22. Practitioners should wherever possible seek the consent of the adult before taking action, taking into consideration their wishes and desired outcomes. However, whilst consent is an important consideration it is not the only consideration. Any actions taken without the adult at risk's consent should be proportionate to the risk of harm and in the context of the adult's capacity to make their own decisions.

Safeguarding Adults' Response

3.23. If a concern is reported through Gateway to Care about an adult with care and support being subject to or is at risk of being subjected to domestic abuse, the adult safeguarding process would commence. This could result in the adult being assessed and:

- Signposted / referred to specialist services or assigned an Adult DA Worker
- Referred to a Community Team
- Referred as a Safeguarding Concern
- And / or liaison with the Police regarding an ongoing criminal investigation

Safeguarding Children

3.24. Professionals have a responsibility to report concerns regarding the safety and well-being of children to the Duty and Advice Team, which is the 'front door' to services that support families and keep children safe from harm.

3.25. Practitioners with concerns about children should first seek advice and information from their own agency line manager and agency safeguarding lead (if this support is available). If this support is either not available, or does not resolve the issue, practitioners can seek advice and information through a conversation with the Duty and Advice Team. To help partners understand what the Duty and Advice Team need to know during this call, a flow chart is available from

<http://www.kirkleessafeguardingchildren.co.uk/managed/File/Duty%20and%20Advice/2018-05-09%20-%20DA%20FINAL%20-%20Change%20of%20number%20v2.pdf>

Duty and Advice Response

3.26. Duty and Advice will access, share and analyse information quickly and use this to decide the most appropriate intervention to respond to a child's identified needs. This will include decisions about Child Protection or other high level concerns and "grey areas" where more information is needed to decide on the appropriate response.

Referrals to DRAMM-MARAC

3.27. Professionals that consider an individual to be a high risk victim of domestic abuse should refer the case to the DRAMM-MARAC². In Kirklees, agencies use the Domestic Abuse, Stalking and Honour-based violence (DASH) Risk Model to identify risk in domestic abuse cases. The DASH is available from: www.kirklees.gov.uk/marac

² Professionals within Police do not have to make referrals to the DRAMM-MARAC – all incidents that are flagged as domestic and assessed as medium or high risk will be considered by the DRAMM.

- 3.28. Professionals from any agency, including those agencies that are not signatory to this protocol, can make a referral to the DRAMM-MARAC. In making a referral to DRAMM-MARAC, professionals agree to abide by the terms of this protocol.
- 3.29. The MARAC referral form is provided as Appendix Two. Professionals making a referral to the MARAC should highlight:
- their availability to attend the DRAMM to discuss the case;
 - whether the victim has consented to the referral and if there are any limitations to their consent (i.e. if they do not wish to report to police); and
 - actions that have already been taken to safeguard the victim and/or any children.
- 3.30. Professionals making a referral to the MARAC should be aware of the actions that may be taken by DRAMM-MARAC agencies in response to the referral (outlined in sections 3.14-3.28 above and 4.14-4.18 below) and highlight any concerns that such action may increase the risk of harm to either the victim or any children.

[Feedback to Service Users](#)

- 3.31. Professionals should advise service users when they are reporting matters to police and/or other agencies, unless there are defensible reasons why this cannot be done i.e. where it may be dangerous to a victim/child or others to alert a person about impending disclosure, or may compromise a police investigation. Decisions about reporting matters to the police and other agencies, with or without the service user's consent, should be clearly documented.

4. How information referred to the DRAMM-MARAC will be used

- 4.1. Professionals making a referral to the MARAC should be aware of the actions that may be taken by DRAMM-MARAC agencies in response to the referral. Accordingly, the information provided below is designed to assist professionals in deciding whether or not to refer a case to DRAMM-MARAC. In making a referral to DRAMM-MARAC, professionals agree to abide by the terms of this protocol.

Cases that may be discussed at DRAMM

- 4.2. All referrals will be discussed at DRAMM in the first instance.

Medium-high risk police incidents

- 4.3. Police will triage all domestic incidents within the last 24 hours (72 hours on a Monday) that have been assessed as medium or high risk. The DRAMM will discuss:
- All high risk incidents;
 - Medium risk incidents where children were present or are linked to either the victim or perpetrator; and
 - Medium risk incidents where the victim has consented to the passing on of relevant information to specific agencies, which may be discussed in a meeting, in order for a support plan to be put into place.

High risk cases identified by other agencies

- 4.4. Professionals that have assessed a disclosure or incident of domestic abuse as high risk will be discussed at the DRAMM. These may be referred to as MARAC referrals or 3rd party referrals.

High risk cases transferred from other local areas

- 4.5. A victim has been subject to a MARAC in another area will have their MARAC status transferred to Kirklees when they move to the area (whether in refuge, staying with family or in more permanent accommodation). The referring MARAC will share the original MARAC referral form, DASH Risk Assessment, MARAC minutes and any other information that may be required to manage risks while the victim is in Kirklees.
- 4.6. These MARAC transfers will be shared with partners through the DRAMM-MARAC process.

MARAC repeats

- 4.7. If there is a further incident/disclosure on any case that has been subject to MARAC in the last 12 months, the case should be returned to DRAMM so that the safety plan can be reviewed. Accordingly, MARAC repeats will include disclosures/incidents that have been assessed as standard risk.
- 4.8. All MARAC repeats will be shared with partners through the DRAMM-MARAC process.

Domestic violence disclosure scheme (Clare's Law)

- 4.9. The Domestic Violence Disclosure Scheme (DVDS) – often referred to as “Clare’s Law” – sets out procedures that can be used by the police to share information about someone’s previous violent and abusive offending where this may help protect their current partner from abuse.
- 4.10. The Home Office Guidance on DVDS provides for the local police force to “work closely with the local Multi-Agency Risk Assessment Conference (MARAC) or other suitable local safeguarding forum, to ensure that any possible risks of harm to [their current partner] are fully assessed and managed”.
- 4.11. The Scheme recognises two procedures for disclosing information:
- “Right to ask” is triggered by a member of the public applying to the police for a disclosure.
 - “Right to know” is triggered by the police making a proactive decision to disclose information to protect a potential victim.

Domestic violence protection orders

- 4.12. Domestic Violence Protection Orders (DVPOs) may be used following a domestic incident to provide temporary respite for victims. The terms that are included in the DVPO will vary depending on whether or not the victim and perpetrator are living together, but, in all cases, will include a prohibition on molesting the victim.

- 4.13. A DVPO is to be used as part of an overall multi-agency approach to managing the victim's needs and national guidance³ encourages Police to keep relevant agencies informed of the outcome of the DVPO and expiry date.
- 4.14. In Kirklees, the details of the DVPO are shared with MARAC partners to ensure that we can put appropriate support in place and be proactive about reporting any breaches. MARAC partners will be advised of any Domestic Violence Protection Orders that have been implemented in the last 24 hours.

DRAMM

- 4.15. All referrals to the DRAMM-MARAC (including MARAC repeats/transfers, police incidents and DVDS requests) are shared with agencies that attend the DRAMM via secure email in the first instance.
- 4.16. DRAMM agencies consider the information provided in the referral/incident with information interrogated from their own systems on their involvement with the victim, perpetrator and any children (identified in the referral or linked to the victim or perpetrator on agency systems).
- 4.17. During the course of the DRAMM discussion, agencies share relevant and proportionate information to enable attendees to assess the level of risk to victims and/or any children affected by the abuse; and develop a safety plan to manage identified risks. The safety plan may include a referral to MARAC.

Actions that may be taken as part of a safety plan

- 4.18. WY Police may record a crime and/or take action to investigate/prevent crime and/or improve community safety. This may include contact with a victim directly or via a third party. Police will take the victim's wishes into account when determining what action, if any, needs to be taken. However, there may be times when the Police need to override these wishes to safeguard and protect the victim and/or the public from serious harm.
- 4.19. Pennine Domestic Violence Group may contact the victim to offer support.
- 4.20. Duty and Advice may:
- contact victims and/or other individuals linked to perpetrators to discuss the risk that the perpetrator may present to children;
 - recommend that a fuller assessment is undertaken by a social worker; and/or
 - pass information about the referral to a social worker that is already allocated to the family.
- 4.21. CHART may contact the perpetrator whilst still in Police custody to offer support around substance misuse.
- 4.22. A referral may be made to Adult Safeguarding and Social Care if adults with care and support needs are identified

³ College of Policing 'Using domestic violence protection notices and domestic violence protection orders to make victims safer' - <https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/domestic-abuse/arrest-and-other-positive-approaches/domestic-violence-protection-notices-and-domestic-violence-protection-orders/?highlight=DVPO?s=DVPO#when-is-a-dvpn-available>

4.23. In addition to the actions identified above, the DRAMM will refer high risk cases and MARAC transfers/repeats to the MARAC. The DRAMM may recommend that a case is circulated to the MARAC for:

- **Full discussion** – in cases where the DRAMM could not make a full risk assessment and/or ensure that all safeguarding measures were in place without input from all MARAC agencies;
- **Significant update only** – in cases where the DRAMM has implemented a number of safety measures and feel that all appropriate safeguarding is in place. However, it is recognised that agencies that do not attend the DRAMM may have information that affects the risk assessment and/or safety plan. Agencies are asked to advise if they have any significant update that will affect the existing risk assessment/safety plan; or
- **Information only.** These cases are not discussed during the MARAC, but details of the incident are circulated to agencies so that relevant files relating to the victim, perpetrator and any children can be updated to ensure that any future incidents can be responded to appropriately. MARAC transfers and low level repeat incidents are routinely referred as information only cases.

MARAC

4.24. All referrals from the DRAMM to the MARAC are compiled into a single MARAC agenda and shared with signatory agencies via secure email. The agenda includes the information provided in the initial incident/referral, the information that was shared during the DRAMM, and the actions recommended by the DRAMM to improve victim safety.

4.25. Agencies consider the information provided in the agenda with information interrogated from their own systems on their involvement with the victim, perpetrator and any children (identified in the referral or linked to the victim or perpetrator through agency systems). Through this process, agencies may also identify other adults that may be at risk of harm from the perpetrator or otherwise affected by the abuse.

4.26. During the course of the MARAC discussion, agencies will share relevant and proportionate information to enable attendees to assess the level of risk to victims and/or any other adults or children affected by the abuse; and develop a safety plan to manage identified risks.

Actions that may be taken as part of a safety plan

4.27. Supporting victims around domestic abuse:

- agencies may contact victims directly to offer support
- agencies may also linked in with other professionals that have an existing relationship with victim to offer support
- professionals that have an existing relationship with victim may be tasked with exploring domestic abuse with victim
- Police may share information with victims under the Domestic Violence Disclosure Scheme (Clare's Law)
- Police may consider applying for a Domestic Violence Protection Order

4.28. Other support for victims:

- Professionals may provide support around housing
- Professionals may make a referral for support with substance misuse
- Professionals may make a referral for support with mental health
- Professionals may provide support around sexual exploitation

4.29. Safeguarding adults and children:

- Professionals may make a referral to safeguarding adults
- Professionals may make a referral to the Duty and Advice for additional support and/or assessment of child safeguarding concerns
- Information may be shared with an allocated social worker
- All agencies may be asked to check their records of any additional adults and children that have been identified as being potentially at risk through the MARAC process

4.30. Managing perpetrators:

- Action may be to progress criminal investigation (police investigation and progressing arrests; other agencies to report crime; and encouraging victims to report crime)
- referral to perpetrator programme
- Integrated Offender Management
- Referral for substance misuse

4.31. Information sharing between agencies to support ongoing case work, safeguard professionals and improve agency responses to domestic abuse cases.

Informing ongoing casework

4.32. Information shared through the DRAMM-MARAC will be used by signatory agencies for the purposes of delivering safe and effective services to the victim at high risk of harm; and to support ongoing case work in respect of the victim, her/his children and/or the alleged perpetrator.

4.33. Information may not to be shared with any third party without the express consent of the MARAC Chair.

4.34. DRAMM-MARAC information cannot be included in reports for court, child protection, adult safeguarding and/or other processes without the express consent of the MARAC Chair, as this would be deemed to be a third party disclosure.

Recording on agency systems

4.35. It is best practice⁴ for agency systems to include a facility that enables professionals to 'flag' MARAC victims in their files for 12 months following a referral so that they are aware if a service user/client experiences a repeat incident.

4.36. Agencies will need to ensure that only the minimum amount of information required is recorded (i.e. 'service user was subject to MARAC on <date>, please contact <relevant professional> for further information').

4.37. This information will only be available to those staff that 'need to know' for the purpose of supporting ongoing work to improve victim safety. Agencies should take extraordinary care to ensure that those who do not have a legitimate interest in the information cannot access it accidentally or deliberately.

⁴ <http://www.safelives.org.uk/definition-repeat-marac>

Flagging perpetrator files

- 4.38. Files regarding perpetrators should only be flagged if considered absolutely necessary to inform ongoing casework and agencies are confident that information cannot inadvertently or deliberately be shared with perpetrators.
- 4.39. It may be necessary to record information about perpetrators' behaviour on agency networks if, for example, information shared at DRAMM-MARAC indicated that perpetrators may present a risk to staff.
- 4.40. However, it is crucial that information shared at DRAMM-MARAC is not inadvertently shared with perpetrators.
- 4.41. Furthermore, although the process is victim focused, the rights and humanity of the perpetrators needs to be recognised and addressed. The perpetrators remain individuals who may need the support and engagement of multiple agencies in addressing their own needs in relation to mental health, drug or alcohol abuse, housing or other issues.

Police incidents/MARAC referrals involving members of staff

- 4.42. DRAMM-MARAC will consider cases that include members of staff of signatory agencies (as either victims or perpetrators).
- 4.43. DRAMM-MARAC agencies will have their own procedures for supporting members of staff that are victims of domestic abuse; and managing allegations of domestic abuse against members of staff.
- 4.44. The employing agency will need to determine, on a case-by-case basis:
- support that will be offered to victims and perpetrators;
 - if any disciplinary action will be taken against perpetrators;
 - what information (if any) will be shared with line managers; and
 - how information will be recorded on agency systems to protect the privacy/confidentiality of members of staff.
- 4.45. Signatory agencies may also need to consider where it may be appropriate to make a referral to the Local Authority Designated Officer in circumstances where the victim or perpetrator works with children.

5. Information to be shared by signatory agencies

- 5.1. During DRAMM-MARAC meetings, attending agency representatives will need to make an informed judgement on a case-by case basis about information that should be disclosed. This information may relate to victims, (alleged) perpetrators, children in the household or otherwise affected by the domestic abuse, and others that may be at risk of harm. Where relevant, the DRAMM-MARAC may also consider information about the perpetrator's family or other relationships.

5.2. The information shared by agencies may include:

- name, date of birth, address(es), aliases, gender, ethnicity, disability and/or medical condition, LGBT, substance misuse, mental ill-health;
- information about court orders, injunctions, bail conditions and other legal issues;
- current information relating to recent contact, meetings, sightings, phone calls, which may include attendance or non-attendance at appointments, at A&E or in other health settings, and/or who is present during home visits and appointments;
- relevant historic information regarding previous convictions, family or relationships history, other safety options considered or any risks to professionals;
- other information relating to the risks facing the victim or other affected individuals.

5.3. All information shared about both victims and perpetrators must be in the context of the normal requirements of information sharing without consent (i.e. on the basis of prevention and detection of crime or serious harm).

6. Information Sharing with Victims and Perpetrators

- 6.1. The victim will be informed of the outcome of the DRAMM-MARAC meeting unless it is considered unsafe to do so. An Independent Domestic Violence Advocate will undertake this task unless the victim has an established relationship with another professional and the DRAMM-MARAC considers it more appropriate for that professional to provide feedback.
- 6.2. **The perpetrator should NOT be informed about the DRAMM-MARAC meeting or its outcome.** Agencies should take precautions to ensure that, as far as possible, the perpetrator is not made aware of the DRAMM-MARAC or any subsequent safety plans. Participants should take extraordinary care not to inform the perpetrator of any element of the safety plan inadvertently (i.e. through a third party).

7. Information and Data Management

MARAC Records

- 7.1. To ensure the smooth running of DRAMM and MARAC meetings, records will be created and shared with agencies that attend the meetings. Agencies will be in receipt of:
- **DRAMM**
 - Police occurrence details/MARAC referrals/DASH risk assessments
 - Notes of the DRAMM meetings
 - **MARAC**
 - MARAC agenda
 - MARAC notes
 - MARAC actions and completed action plans
- 7.2. These records are made and circulated for a specific purpose. They will contain personal information about victims, perpetrators and children, and third parties including members of staff. The records also record the statutory activities of agencies.

- 7.3. Agencies in receipt of information through the DRAMM-MARAC do not become data controllers of that information. The owner of information shared through DRAMM-MARAC is the original supplying agency (i.e. the referring agency; agencies providing information at DRAMM-MARAC meetings).

Storage of information

- 7.4. Information shared through the DRAMM-MARAC should be stored securely on agency networks for as long as a risk to the victim or children remains. The information retained on agency systems will be proportionate to the perceived risk.
- 7.5. Signatories to this Protocol are to ensure that they have adequate security arrangements in place to receive, store and send MARAC information securely.
- 7.6. MARAC information should only be distributed to individuals within the agency that either attend the MARAC or conduct research on MARAC cases on behalf of the agency.
- 7.7. Personal information that is shared for the purposes of MARAC must be:
- e-mailed via secure government and health approved links;
 - stored in secure systems that can only be accessed by approved persons;
 - stored in a secure filing cabinet when not in use (for paper files);
 - accessed only by relevant staff in appropriate settings.
- 7.8. Partner agencies should ensure that access to DRAMM-MARAC information will be granted on a strict 'need to know' basis.
- 7.9. 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.
- 7.10. It would be 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.
- 7.11. All MARAC related data that is held by agencies should be kept for no longer than is strictly necessary. Data should be destroyed in line with agencies' retention procedures.
- 7.12. Agencies should take extraordinary care to ensure that those who do not have a legitimate interest in the information cannot access it accidentally or deliberately.

8. Requests for DRAMM-MARAC Information

- 8.1. The DRAMM-MARAC is not a legal entity and therefore does not own any information shared through the DRAMM-MARAC process. The owner of information shared at a DRAMM-MARAC is the original supplying agency (i.e. the referring agency; agencies providing information at DRAMM-MARAC meetings).
- 8.2. Any request for information recorded at the DRAMM-MARAC may only be shared with the consent of all agencies that supplied information to that DRAMM-MARAC.

- 8.3. Individual agencies are expected to have and comply with their own data access procedures, and would be encouraged to seek legal advice prior to sharing any information.

Disclosures to Agencies

- 8.4. Partner agencies may request copies of the notes of DRAMM-MARAC meetings to inform ongoing work with clients discussed at DRAMM-MARAC. All staff seeking to access information shared at the DRAMM-MARAC must abide by the provisions of this protocol.
- 8.5. Agencies that are not a signatory to this Protocol should direct all requests for information to the DRAMM-MARAC chair, c/o:

Kirklees Adult Safeguarding Unit
Dewsbury Police Station
Aldams Road, Dewsbury, WF12 8AR

Disclosure into Court Proceedings

- 8.6. The DRAMM-MARAC may be required to disclose information by an order of a court. This will be an informed request setting out the nature of the information sought.
- 8.7. The question of disclosure should be considered well in advance of a contested hearing. Notice should be given to enable the Chair of the DRAMM-MARAC to raise an objection if disclosure is likely to interfere significantly with a safety plan or may cause harm to any relevant victim or child. If a DRAMM-MARAC is in doubt whether to disclose information to the court, they may make disclosure to the court setting out their concerns and reservations (e.g. any potential impact on safety) but, in so doing, they accept that the court may nevertheless order disclosure.
- 8.8. If, however, a decision is made not to make a formal objection -
- The DRAMM-MARAC Chair should identify the documents held by the DRAMM-MARAC (i.e. the DASH risk assessment; the referral; notes of the meeting where the case was discussed); and
 - The DRAMM-MARAC Chair should advise the agencies that shared information on that particular case to seek their own legal advice about the information that has been requested. The Chair may also invite the court to contact an organisation directly.
- 8.9. DRAMM-MARAC workers and IDVAs should not ordinarily be called as a witness in court proceedings. However, professionals need to be aware that any disclosures made by a victim or perpetrator service user may be relevant in ongoing judicial proceedings. As such these disclosures and any associated documentation may be considered as evidence in such proceedings. The service users should be reminded of this to ensure there is no misunderstanding between them and the Professional on their relationship.

Disclosure to Individuals through the General Data Protection Regulations

- 8.10. The General Data Protection Regulations gives individuals the right to obtain a copy of the information that organisations hold on them. However, under the Data Protection Act 2018, there are exemptions from the right of access. The Information Commissioners Office will provide guidance on the application of these exemptions in due course. In the meantime, agencies should consult their own information governance teams with regards to subject access requests, taking into consideration provisions 8.11 to 8.13 of this protocol.

- 8.11. DRAMM-MARAC is not a legal entity and the owner of information shared at a DRAMM-MARAC is the original supplying agency. Therefore, when agencies receive data access requests relating to information shared through the DRAMM-MARAC, it is **necessary** to involve the agencies who control that information in deliberations about information to be shared.
- 8.12. Agencies are expected to have their own policy and procedures for responding to data access requests. These procedures need to reflect the exemptions that apply to information shared through the DRAMM-MARAC.
- 8.13. Any request for information (including subject access requests or freedom of information requests) recorded at the DRAMM-MARAC may only be shared with the consent of all agencies that supplied information to that MARAC. Individual agencies should seek advice from MARAC Chair prior to sharing any information.

Disclosures to the media

- 8.14. Any requests for DRAMM-MARAC information, including information on the DRAMM-MARAC process and/or agencies that may be involved, should be directed to the MARAC Chair.

Sharing information for the purposes of Domestic Homicide Review, Child Practice Safeguarding Review, Learning Lessons Review and Safeguarding Adults Review

- 8.15. The DRAMM-MARAC may be asked to provide records of DRAMM-MARAC meetings for the purposes of Domestic Homicide Review, Child Practice Safeguarding Review, Learning Lessons Review and Safeguarding Adults Review.
- 8.16. Agencies that shared information on the relevant case will be asked to review the information to be shared and advise if they have any concerns or objections to providing the information for the purposes of the review. If any concerns with sharing the information are identified, the MARAC Chair will contact the agency to negotiate how information might usefully be shared.

9. Useful Links

- Kirklees Council Its Never OK campaign (including link to the Kirklees 'Taking up the Challenge Towards Freedom' - Domestic Abuse Strategy 2015-18) (<http://www.kirklees.gov.uk/beta/domestic-abuse/index.aspx>)
- West Yorkshire Police Domestic Abuse page <https://www.westyorkshire.police.uk/domesticviolence>
- Duty and Advice Team (Children's Social Care) <http://www.kirkleessafeguardingchildren.co.uk/duty-and-advice.html>
- Gateway to Care (Adults Social Care) <http://www.kirklees.gov.uk/beta/contact-the-council/frequent-contacts/default.aspx?contact=gatewaytocare@kirklees.gov.uk>
- Information Commissioners Office – Guide to the General Data Protection Regulation <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr>

Resources

- Striking The Balance' Practical Guidance on the application of Caldicott Guardian principles to Domestic Violence and MARACS, Department of Health, 2012
(<https://www.gov.uk/government/publications/striking-the-balance-practical-guidance-on-the-application-of-caldicott-guardian-principles-to-domestic-violence-and-maracs-multi-agency-risk-assessment-conferences>)
- Adult Safeguarding and Domestic Abuse
(<http://www.local.gov.uk/sites/default/files/documents/adult-safeguarding-and-do-cfe.pdf>)
- Safelives Resources for MARAC meetings
(<http://www.safelives.org.uk/practice-support/resources-marac-meetings>)

Appendix One: DRAMM-MARAC Privacy Notice

Privacy Notice (How we use your information) Daily Risk Assessment Management Meeting (DRAMM) and Multi-Agency Risk Assessment Conference (MARAC)

Agencies in Kirklees have established a multi-agency process to respond to the most serious cases of domestic abuse in Kirklees. This process incorporates a Daily Risk Assessment Management Meeting (DRAMM) and Multi-Agency Risk Assessment Conference (MARAC), which are multi-agency meetings to share information, assess risks to victims and/or their children, and develop plans to improve victim safety.

Agencies that participate in the DRAMM-MARAC are prohibited from disseminating data outside of this partnership without the permission of the partnership.

The categories of information that we collect, process, hold and share include:

Data about victims and perpetrators of domestic abuse, children, family members and other individuals that may be at risk of harm due to domestic abuse. The information may include:

- personal information (including name, date of birth and address)
- characteristics (such as gender, ethnicity, language, religion and disability)
- information on people affected by domestic abuse (including partners, family members, carers and children and young people in your care or with whom you have contact)
- personal circumstances to enable assessment of risk and eligibility for services – this includes relationship status, relationship history, incidents of domestic and sexual abuse, mental and physical health, accommodation, substance use history, immigration status and eligibility for benefits
- hazards/risk information about you or others around you – including offending history and legal proceedings
- NHS number and/or medical information where relevant to risk from domestic abuse

Why we collect and hold this information

We use this personal data in order to:

- Develop safety plans for victims of domestic abuse and their children;
- Ensure the safety of professionals working with families affected by domestic abuse;
- Improve public safety;
- Assess the quality of our services;
- Evaluate and improve our performance;
- Derive statistics which inform decisions about future delivery of services.

The data may also be used by different agencies in different ways: the Police may determine if any of the information may trigger or contribute to a Police investigation; Children's Services and Adult's Social Care may also consider if these details reach the threshold for a referral to their service in order to protect children, young people and vulnerable adults; the National Probation Service and the Community Rehabilitation Company may use these details to determine if Probation Orders have been breached.

The lawful basis on which we use this information

We collect and process information about you as we have a duty to safeguard victims of domestic abuse and their children from harm.

The key areas of legislation that direct us to collect and use your information are as follows:

- **The General Data Protection Regulations –**
 - 6.1(d) 'Processing data is necessary to protect the vital interests of a data subject or another person'
 - 6.1(e) 'is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.'
 - 9(2)(b) Processing is necessary for carrying out obligations under employment, social security or social protection law, or a collective agreement.
- **Human Rights Act 1998** – article 8 provides for the right to respect for private and family life, home and correspondence except as is necessary in the interests of public safety, for the prevention of disorder or crime and the protection of life.
- **Crime and Disorder Act 1998** - Any person may disclose information where disclosure is necessary or expedient for the purposes of reduction and prevention of crime and disorder.
- For all agencies the following additional key legislation and guidance affecting the sharing and disclosure of data includes (but is not necessarily an exhaustive list):-
 - General Data Protection Regulations 2018
 - Police and Criminal Evidence Act 1984
 - The Police Act 1996
 - Criminal Procedures Investigations Act 1996
 - The Police Reform Act 2002
 - The Rehabilitation of Offenders Act 1974
 - The Offender Management Act 2007
 - Anti-Social behaviour, Crime and policing Act 2014
 - Protection from Harassment Act 1997
 - Safeguarding Vulnerable Groups Act 2006
 - Care Act 2014
 - The Children Act 2004 Section 11
 - Housing Act 1996
 - Health and Social Care Act 2012
 - Homelessness Act 2002
 - Education and Skills Act 2008
 - Mental Capacity Act 2005
 - Mental Health Act 1983
 - Criminal Justice Act 2003
 - Criminal Procedures and Investigations Act 1996
 - Local Government Act 2000

- Access to Health Records 1990
- Civil Contingencies Act 2004
- Regulation of Investigatory Powers Act 2000
- Welfare Reform Act 2012

Storing this information

We will hold the information about you securely, and for no longer than reasonably necessary. Partner agencies participate in the DRAMM-MARAC may 'flag' victims for a period of 12 months to ensure that victims receive an appropriate service within that period. Victims will be flagged for no more than 12 months from an incident and/or disclosure of domestic abuse, but information about these incidents will be held for as long as the risk remains.

We will ensure that only members of staff with a legitimate reason to access your information have permission to do so.

We will review the need to retain your records on an annual basis.

Who we share this information with

We routinely share this information with:

- Other services within Kirklees Council – Adults Social Care, Children's Social Care, Housing Solutions Service, Pupil Attendance And Support and Safer Kirklees
- Other partners – West Yorkshire Police; Probation; Clinical Commissioning Group; Pennine Domestic Violence Group; Community Rehabilitation Company; Change, Grow, Live delivering CHART Kirklees Integrated Substance Misuse Service; Kirklees Neighbourhood Housing; Connect Housing; Kirklees Rape and Sexual Abuse Counselling Centre; Victim Support; Womenscentre Calderdale and Kirklees; Yorkshire Children's Centre - Domestic Abuse Perpetrator Programme.
- Additional organisations may also attend MARAC such as therapeutic services, refuges and charities.

Why we share this information

We share information with partner agencies to develop safety plans to protect victims of domestic abuse and their children.

We do not share personal information about you with anyone else without consent unless the law and our policies allow us to do so.

Further information

If you would like further information about how we manage your data, please see the privacy notice for Kirklees Council at <http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx>

If you would like further information about this privacy notice, please contact **Chani Mortimer, MARAC Coordinator** on 07797 986744.

If you have any worries or questions about how your personal data is handled, please contact the Data Protection Officer at DPO@kirklees.gov.uk or by ringing 01484 221000.

Appendix Two: DRAMM-MARAC Referral Form

DRAMM-MARAC Referral Form

DRAMM-MARAC are regular meetings for the most serious cases of domestic abuse in Kirklees. Professionals making a referral to the DRAMM-MARAC should be aware of the actions that agencies may take as a result of their referral (outlined in the MARAC Information Sharing Protocol available from: www.kirklees.gov.uk/marac).

MARAC does not replace existing safeguarding arrangements – professionals must take immediate action to safeguard victims of domestic abuse and their children. Crimes should be reported to the Police via 101

Completed referrals to be sent by secure email to: marac@kirklees.gcsx.gov.uk

Referred by:

Name:	
Role/agency:	
Contact email:	
Telephone:	

Would you like to attend the DRAMM when this case is discussed? If so please state which date(s) you are available to attend the DRAMM (NB: The DRAMM starts 11:00 am Tues-Fri)

Details of Victim and Perpetrator

	Victim	Perpetrator
Name		
Date of Birth		
Relationship to victim		
Address		
Telephone		
Gender		
Ethnicity		
Disability		
LGBT		
Substance Misuse		
Mental Ill Health		
Risk to professionals		

Victim Consent

Does the victim consent to a referral to DRAMM-MARAC	<input type="checkbox"/> Yes	<input type="checkbox"/> No
<p>It is considered to be good practice to obtain a victim's consent before making a referral to DRAMM-MARAC (unless it is unsafe to do so). However, referrals can and should be made without the victim's consent. Agencies that participate in the Kirklees DRAMM-MARAC have a duty to safeguard victims of domestic abuse and their children. For further information about how we use personal data, please see http://www.kirklees.gov.uk/beta/information-and-data/how-we-use-your-data.aspx</p>		

Has the victim placed any conditions/limitations on their consent (i.e. does not wish to report to police)

Details of children

This includes all children linked to either the victim or the perpetrator.

Children (inc unborn)	DOB/EDD	Relationship to victim	Relationship to perpetrator	Present:	In the care of/ Address

Reason for Referral

Reason for Referral:	Please choose from the following:		Comment:
	Visible high risk (14+ on DASH)	<input type="checkbox"/>	
	Professional judgement	<input type="checkbox"/>	
	Repeat with last 12 months	<input type="checkbox"/>	
Date of incident/disclosure			
Information/incident that prompted risk assessment			
Relevant history			

Please confirm that all crimes have been reported to police (either by the victim or yourself). Please include the crime log.

Are you aware of any other professionals that are working with the victim/children/perpetrator?

Please advise of any actions that have been taken to safeguard the victim

Please confirm that all safeguarding concerns regarding children have been referred to Duty and Advice

Please advise of any further information/comment/specific actions that you would like the DRAMM-MARAC to take