

SERIES

# Ensuring an inclusive & effective domestic abuse bill for all women

TOPIC

## Improving public authority responses to high risk victims of domestic abuse



### KEY POINTS

- + The current arrangements for responding to high-risk cases of domestic abuse – cases involving victims whose lives are at risk or who face the threat of very serious harm – is the multi-agency risk assessment conference (MARAC) (para 1)
- + MARACs have no statutory basis, which means that public authorities have no legal obligation to attend MARACs or to implement action plans agreed at MARACs to protect high-risk victims. In addition the MARAC system is overloaded with cases and fails to adopt a victim-centred approach (para 2-5)
- + The MARAC approach stands in stark contrast to the Government’s arrangements for protecting the public from the risk of serious harm by sexual and violent offenders and its approach to safeguarding children at risk of abuse. It risks de-prioritising domestic abuse crimes and means public authorities cannot be held adequately to account (para 6)
- + Implications for the Domestic Abuse Bill
  - > The Domestic Abuse Bill should explicitly set out the multi-agency arrangements for the protection of high-risk victims of domestic abuse, with local authorities, police and health services designated to manage and co-ordinate the protection of high risk victims of domestic violence and oversee effective implementation of protection plans within their local areas
  - > The arrangements for the protection of high-risk victims of domestic abuse should be victim-centred, with victims given the opportunity to submit an oral or written statement before a protection plan is finalised

### PUBLIC AUTHORITY RESPONSES TO HIGH-RISK VICTIMS OF DOMESTIC ABUSE

- 1** The current mechanism for responding to high-risk domestic abuse cases is the multi-agency risk assessment conference (MARAC).<sup>1</sup> A MARAC is a voluntary, confidential meeting where information on high-risk cases of domestic abuse is shared between local statutory agencies (police, health, housing, children and young people’s services, domestic abuse specialists) with the aim of developing an effective action plan to reduce the risk of further harm to the victim and her family. 95% of high-risk domestic abuse victims discussed at a MARAC or accessing a specialist domestic violence adviser (IDVA) are women.<sup>2</sup>
- 2** These multi-agency arrangements for protecting high-risk victims of domestic abuse have no statutory basis. This means that engagement of public authorities and agencies is completely voluntary, with no authority having any legal responsibility for co-ordinating or overseeing MARAC meetings, for implementing action plans to safeguard victims, or for monitoring cases. This lack of accountability fatally undermines the protection of high-risk victims of domestic abuse.

<sup>1</sup> The risk assessment process and MARAC procedures were developed by Coordinated Action Against Domestic Abuse (CAADA), a national organisation supported by the Home Office. CAADA recently changed its name to SafeLives.

<sup>2</sup> SafeLives (2015), Insights IDVA National Dataset 2013-14; SafeLives (2014), MARAC national dataset 2014 referenced on SafeLives website: <http://www.safelives.org.uk/policy-evidence/about-domestic-abuse#top 10>.

- 3** It is also important to note that the current MARAC model does not adopt a victim-centred approach – domestic abuse victims whose cases are referred to MARACs are not entitled to attend or submit a written statement to the MARAC. Likewise, a victim’s advocate is not entitled to attend the meeting. This stands in marked contrast to the approach of the Victims’ Code,<sup>3</sup> which amongst other entitlements, gives victims the right to read a Victim Personal Statement in court in criminal cases. The lack of victim-centred approach has resulted in many domestic abuse victims and specialist services resisting referrals to MARACs.

### SYSTEMS OVERLOAD

- 4** The current MARAC system is overloaded, resulting in insufficient time for case review and inadequate case monitoring. In the 12 months to 31 December 2017, SafeLives reported that of the 289 local MARACs across the UK who submitted data, 90,482 cases were reviewed. As part of the research for Sisters For Change 2017 report, *Unequal Regard, Unequal Protection: Public authority responses to violence against BME women in England*,<sup>4</sup> Sisters For Change met with senior public protection police officers working across England. All reported an increasing number of cases being brought to MARACs month-on-month and a significant variation in statutory agencies’ attendance and engagement at the MARACs.<sup>5</sup>
- 5** This lack of cohesive working practices producing inconsistent responses and outcomes puts MARAC in danger of becoming little more than a discussion forum. Individual authorities can escape accountability or responsibility for their actions and omissions rather than achieving an integrated mechanism providing effective protection and support for highly vulnerable victims. At a recent Roundtable held by Sisters For Change with criminal justice authorities, senior public protection officers voiced concern that the current non-statutory arrangements for dealing with high-risk domestic abuse cases was inadequate and in urgent need of evaluation and revision.<sup>6</sup>

### OTHER MODELS OF MULTI-AGENCY PROTECTION / SAFEGUARDING

- 6** The Government has adopted multi-agency arrangements in two other areas of public protection and safeguarding which provide useful models of comparison to inform the best approach to strengthening public authority responses to high-risk victims of domestic abuse.

#### (i) Multi-agency public protection arrangements

The multi-agency public protection arrangements (MAPPA) established for the purpose of protecting the public from serious harm by sexual and violent offenders are set out in legislation through the Criminal Justice Act 2003.<sup>7</sup> The 2003 Act provides for the establishment of MAPPAs in each of the 42 criminal justice areas in England and Wales. The Act designates the police, prison and Probation Trust in each area as the ‘Responsible Authority’ with the legal duty to ensure that the risks posed by specified sexual and violent offenders are assessed and managed appropriately. Other agencies have a legal duty to co-operate with the Responsible Authority. The responsible authority for each area is required to keep the arrangements under review, monitor their effectiveness and make any changes that appear necessary. Statutory guidance<sup>8</sup> for responsible authorities on the discharge of their public protection duties recognises that a MAPPA is not a statutory body in itself, but a mechanism through which public authorities discharge their statutory responsibilities and protect the public in a co-ordinated manner. Agencies at all times retain their full statutory responsibilities and obligations and must ensure that these are not compromised by MAPPA.<sup>9</sup>

3 The Code was established by the Domestic Violence, Crime and Victims Act 2004 and came into effect in 2006. The Code was revised in December 2013 to clarify victims’ entitlements and the obligations of criminal justice agencies, and again in October 2015 to comply with the European Victims’ Directive.

4 Published in November 2017. Available here: <http://sistersforchange.org.uk/unequal-regard-unequal-protection/>

5 SFC Report 2017, pp. 43-44.

6 SFC Roundtable with criminal justice stakeholders, 25 April 2018.

7 Criminal Justice Act 2003, ss. 325-327B.

8 Ministry of Justice, MAPPA Guidance 2012 Version 4.2 [updated November 2017] (MAPPA Guidance 2017) issued by the Secretary of State for Justice under s.325(8) of the Criminal Justice Act 2003.

9 MAPPA Guidance 2017, para.1.3.

### (ii) Multi-agency child safeguarding arrangements

A new system of multi-agency child safeguarding arrangements was introduced under the Children and Social Work Act 2017. This new system was put in place following a review which concluded that child safeguarding arrangements were inadequate and a new model was required to ensure collective responsibility across public authorities.<sup>10</sup> The new system follows in many respects the MAPPA model discussed above. In broad terms, the new legislation replaces Local Safeguarding Boards with new local safeguarding arrangements led by three safeguarding partners (local authorities, police and clinical commissioning groups); establishes a new national Child Safeguarding Review Panel; and transfers the responsibility for child death reviews to new Child Death Review Partners.<sup>11</sup> Statutory guidance on transitional arrangements has been issued for safeguarding partners and relevant agencies.<sup>12</sup>



### RECOMMENDATIONS FOR THE DOMESTIC ABUSE BILL

- + In the same manner that public protection arrangements and child safeguarding arrangements have been placed on a statutory footing, the multi-agency arrangements for the protection of high-risk victims of domestic abuse should be set out in law. Local authorities, police and health services should be designated (and resourced) as the responsible authority with the duty to manage and co-ordinate the protection of high risk victims of domestic violence and oversee effective implementation of protection plans within their local areas. Other relevant agencies should be placed under a statutory duty to co-operate with the police in discharging this function.
- + The arrangements for the protection of high-risk victims of domestic abuse should be victim-centred, with victims given the opportunity to submit an oral or written statement before a protection plan is finalised.
- + Government Domestic Abuse Consultation questions relevant to this recommendation: Q7, Q8, Q9, Q11, Q37.

### CONTACT

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<sup>10</sup> HMG, *Changes to statutory guidance: Working together to Safeguard Children; and new regulations*. Government consultation launched 25 October 2017.

<sup>11</sup> Children and Social Work Act 2017, ss.16, 12 and 14 respectively, inserting a new s.16E, s.16A and s.16M in the Children Act 2004.

<sup>12</sup> HMG, *Local safeguarding - transition arrangements. Statutory guidance for local authorities, LSCBs, safeguarding partners, child death review partners, and the Child Safeguarding Practice Review Panel*, April 2018.

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