



Working Party of the Family Justice Council

MARACs and disclosure into court proceedings

**December 2011
(Updated November 2022)**

MARACs and disclosure into court proceedings

1. Multi-Agency Risk Assessment Conferences (MARACs) are a valuable tool in supporting and protecting individuals who are at the highest risk of domestic abuse. A MARAC is a meeting which brings together representatives from the police, local authorities, housing, health, child protection, probation, Independent Domestic Abuse Advisers and other specialist so that information can be shared with a view to creating a safety plan to support and protect a victim. The primary focus of a plan will be the adult victim. There are other statutory services which focus on children and young people but where children form part of the victim's household or extended household, child protection services will be brought into the MARAC to ensure that safety plans meet the needs of the victim and vulnerable children.
2. As at November 2022 there are about 270 MARACs in England, Wales, Scotland and Northern Ireland. Any front-line agency can refer high risk cases into MARAC, where risk has been assessed. There is a growing awareness of what constitutes high risk and the MARACs are now receiving referrals of abuse which include controlling and coercive behaviours. The work of the MARAC is case specific, and all relevant agencies (both statutory and voluntary) will attend at or contribute to the conference.
3. The essential purposes of a MARAC are:
 - a. To share information about risk;
 - b. To devise a coordinated safety plan for the adult victim;
 - c. To liaise with appropriate agencies to address safety of children and include as needed safety actions in the plan;
 - d. To address the behaviour of the alleged perpetrator;
 - e. To address the safety of staff working with the family.
 - f. To consider the need for safe housing or emergency accommodation
 - g. Fast Tracking access to community services such as drugs, alcohol and mental health services
 - h. Making a referral to Education for children within the household where emergency relocation is required
 - i. To raise awareness across a range of sectors including, education, health and police
4. Families/ victims who are referred to a MARAC will sometimes be involved in related court proceedings. Whilst a MARAC may appear a valuable source of information in court proceedings it is very important to consider the issues of transparency, disclosure and the potential risk of information being shared which may undermine a safety plan.
5. It is considered good practice for a victim of domestic abuse to be notified of a referral to a MARAC. However, that is not always practical or desirable. Whilst in most cases the victim should be advised of the MARAC and be supported by an IDVA at conference, the court must be mindful that the case before the court may fall outside the norm. Although the victim will usually be aware that a MARAC is taking place the alleged perpetrator will not have been informed by the agencies. The fact of a MARAC referral may however be shared deliberately or inadvertently by the victim or the family network.
6. It is important that the details of the MARAC safety plan are clear and accessible to the victim where possible. Confidentiality is critical to preserve the effectiveness of the plan. Information shared between agencies should remain confidential where possible.
7. MARAC's are not a legal entity in themselves. Those who report into a MARAC retain ownership of the information they provide. The staff members supporting a MARAC are neither lawyers nor paralegals. Minute taking should be managed sensitively. If a request is made to a court by a party to proceedings for information from a MARAC, the court should be mindful of the following:
 - a) who is making the request.
If it is the perpetrator note they are seeking information that relates to their own behaviour management. If it is the victim, it may be required to regularise housing, immigration or non-statutory resources
 - b) what is the reason for the request – a request should be reduced to writing and set out what the applicant seeks

- and why they seek it. The court should not entertain a fishing expedition
- c) the owner of information shared at a MARAC is the original supplying agency
 - d) MARACs should only be required to disclose information by an order of the court;
 - e) The question of disclosure of information or documents by a MARAC should always be considered well in advance of a contested hearing and be dealt with by an order for directions.
 - f) Notice should ordinarily be given to the Chair of the MARAC; if that is not practicable, the order should allow a MARAC representative to appear and object before compliance is required.
 - g) Any order should be addressed to the Chair of the MARAC.
 - h) When any such order for disclosure is made and served on a MARAC, the Chair of the MARAC is under a duty to raise formal objection if any disclosure will interfere significantly with a safety plan or may cause harm to any relevant child.
 - i) If the MARAC Chair, decides not to make a formal objection the Chair should identify the documents currently held (which in practice will usually only be the minutes). If the minutes refer to information supplied and held by another organisation, the court should make an order against the organisation and give them an opportunity to object, respond as above
 - j) The court order should make clear the Chairs duty to identify whether any disclosable documents are unreliable e.g the minutes
 - k) The court order should provide an opportunity for the MARAC Chair to restore the matter before the court for guidance if the MARAC is concerned that disclosure may impact on victim safety.
8. Where a MARAC holds information that they believe would be useful to a court but which should not be disclosed into proceedings, the MARAC should disclose the information to the relevant statutory body (local authority, Police, Cafcass) for them to use as appropriate in court proceedings.

Members of the original working party (December 2011)

**The Honourable Mr. Justice Hedley, High Court
Judge (Chair)**

Diana Barran, Chief Executive, Co-ordinated Action Against Domestic Abuse (CAADA)

Professor Rosemary Hunter, Professor of Law, University of Kent

Maura Jackson, Director, ADVANCE Adam Lennon, HMCTS

Penny Logan, Principal Lawyer, Cafcass Legal

Her Honour Judge Lesley Newton, Circuit Judge, Manchester

Briony Redman, MARAC Co-ordinator, Standing Together

Jan Salihi, Ministry of Justice

Guidance reviewed and updated by the Domestic Abuse working group November 2022.

Annex: What is a MARAC?

A MARAC is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. After sharing all relevant information they have about a victim, the representatives discuss options for increasing the safety of the victim and turn these into a coordinated action plan. The primary focus of the MARAC is to safeguard the adult victim. The MARAC will also make links with other fora to safeguard children and manage the behaviour of the perpetrator.

At the heart of a 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. The victim does not attend the meeting but is represented by an IDVA who speaks on their behalf and whose work has been found to make a significant positive difference for the non-abusive adult and children².

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. IDVAs, police and health professionals commonly refer high risk victims to MARAC. This represents about 10% of the most serious domestic violence cases, including honour-based violence.

MARACs operate at a local level and are now in almost every area of England and Wales with 250 operational. The meeting takes place either fortnightly or monthly. All agencies contribute what is known about a family, and the agreed actions are noted for the follow-up safety plan.

The membership of MARACs is taken from statutory and voluntary agencies. They have become the broadest multi-agency fora for considering the safety of adults and children affected by domestic abuse. The role of a dedicated caseworker or IDVA and the contribution of agencies that have been traditionally harder to engage – e.g. women's refuges, health professionals, housing – are important reasons for their perceived success.