

# WIRRAL

## Hate Crime Multi-Agency Risk Assessment Conference (MARAC)

## INFORMATION SHARING PROTOCOL

## (ISP)

This document in no way constitutes legal advice. Specific legal advice should be sought in cases where there is any doubt as to whether information sharing is appropriate

Contents	Page
1. Introduction	4
2. The Nine Protected Characteristics (Equality Act 2010)	4 – 5
3. Definitions	5
4. Signatory Agencies	6
5. Legislation	7
6. Data sharing -	8 - 12
<ul style="list-style-type: none"><li>▪ Age UK (Wirral)</li><li>▪ Cheshire and Wirral Partnership NHS Foundation Trust (All services including Mental Health, Learning Disability Drug &amp; Alcohol and Community Care Western Cheshire services).</li><li>• Clinical Commissioning Groups (Wirral)</li><li>• Irish Community Care Merseyside</li><li>▪ Merseyside Fire and Rescue Service</li><li>▪ Merseyside Police</li><li>▪ Merseyside Probation Trust</li><li>▪ Registered Providers of Social Housing</li><li>▪ Terrence Higgins Trust</li><li>▪ Victim Support Service</li><li>▪ VCAW (Voluntary Community Action Wirral)</li><li>▪ WIRED</li><li>▪ Wirral Chamber of Commerce</li><li>▪ Wirral Change</li><li>▪ Wirral Community NHS Trust</li><li>▪ Wirral Council - Adult Social Services. Safeguarding Adults</li><li>▪ Wirral Council – Children &amp; Young People, Safeguarding Team</li><li>▪ Wirral Council - Anti Social Behaviour Team</li><li>▪ Wirral Council – BME Support Service</li><li>▪ Wirral Council – Corporate Services</li><li>▪ Wirral Council - Children &amp; Young Peoples Department</li><li>▪ Wirral Council - Community Safety Team</li><li>▪ Wirral Council - Housing Options &amp; Wirral Homes</li><li>▪ Wirral CVS (Council for Voluntary Service).</li><li>▪ Wirral Multicultural Organisation</li><li>▪ Wirral Partnership Homes - RSL</li><li>▪ Wirral University Teaching Hospital Foundation Trust</li></ul>	
7. Statutory Gateways	13
8. Sharing Without Consent	13-14

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9. Data Controller	14
10. Process - disclosure	14-15
11. Security and Data Management	15
12. Confidentiality	15 - 16
13. Safeguarding	16 - 17
14. Breaches of protocol	17
15. Complaints	17
16. Withdrawal	18
17. Review.	18
18. Declaration of Acceptance and Signatories	18-19
<b>1 Appendices</b>	
Appendix A Information sharing without consent form	20 - 23
Appendix B IAMF Access Agreement	24 - 26
Appendix C Terms of Reference	27 - 30
Appendix D Committee Procedure	31
Appendix E Risk Assessment	32
Appendix F Registered Social Landlords (signatories)	33
Appendix G Pathways	34

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## **1. Introduction**

The Protocol is an over-arching framework for sharing information between all signatory agencies of the Wirral Hate Crime Multi Agency Risk Assessment Conference (MARAC). It focuses on requirements for sharing personal information and:

- Clarifies the legal background on information sharing.
- Outlines the principles that need to underpin the process.
- Provides practical guidance on how to share information both with and without consent
- Outlines data security and management principles

This protocol will help to remove barriers to effective information sharing and assist in ensuring that the Wirral Hate Crime MARAC provides the best service possible to increase the safety of clients, protection of vulnerable people and reduce crime and disorder locally.

This protocol is designed to support and enhance existing arrangements rather than replace them.

Hate Crime now addresses all nine-protected characteristics under the Equality Act 2010 –

## **2. The nine ‘Protected Characteristics’ (Equality Act 2010)**

### **Age**

Where this is referred to, it refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

### **Disability**

A person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

### **Gender reassignment**

The process of transitioning from one gender to another.

### **Marriage and civil partnership**

Marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters.

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### **Pregnancy and maternity**

Pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

### **Race**

Refers to the protected characteristic of Race. It refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

### **Religion and belief**

Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

### **Sex**

A man or a woman.

### **Sexual orientation**

Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes

The above definitions under the Equality Act 2010 will have an effect upon the following accepted terminology of Hate Incident and Hate Crime as contained within the MARAC Terms of Reference;

## **3. Definition of Hate Crime / Incident**

### **Hate Incident:**

Any non-crime incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person's age, disability, gender identity/reassignment, race, religion or belief, sexual orientation, perceived age, disability, race religion or belief, or sexual orientation. Or by association with someone who has a protected characteristic.

### **Hate Crime:-**

A Hate Crime is a criminal offence which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person's age, disability, gender identity/ reassignment, race, religion or belief, sexual orientation, transgender, perceived age, disability, race, religion or belief, or sexual orientation. Or by association with someone who has a protected characteristic.

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#### **4. Signatory Agencies**

The following are signatory agencies of this protocol:

- Age UK (Wirral)
- Cheshire and Wirral Partnership NHS Foundation Trust  
(All services including Mental Health, Learning Disability Drug & Alcohol and Community Care Western Cheshire services).
- Clinical Commissioning Groups (Wirral)
- Irish Community Care Merseyside
- Merseyside Fire and Rescue Service
- Merseyside Police
- Merseyside Probation Trust
- Registered Providers of Social Housing
- Terrence Higgins Trust
- Victim Support Service
- VCAW (Voluntary Community Action Wirral)
- WIRED
- Wirral Chamber of Commerce
- Wirral Change
- Wirral Community NHS Trust
- Wirral Council - Adult Social Care
- Wirral Council - Anti Social Behaviour Team
- Wirral Council – BME Support Service
- Wirral Council – Corporate Services
- Wirral Council - Children & Young Peoples Department
- Wirral Council - Community Safety Team
- Wirral Council - Housing Options & Wirral Homes
- Wirral CVS (Council for Voluntary Service).
- Wirral Multicultural Organisation
- Wirral University Teaching Hospital Foundation Trust

The commitments of the above signatory agencies are as follows:

- To share information
- To comply with all relevant information
- To seek their own legal advice
- To use the data disclosed only for the agreed purpose

In addition to the above, the Community Safety Executive Group will register this document with the Information Commissioners Office (ICO) once it has been approved and signed. The list of organisations is not exhaustive and relevant agencies may be added in the future and similarly registered with the ICO.

The Council's Information / ICT Security Policy outlines the security measures the Council undertakes to protect the information it stores, handles and processes. Please refer to hyperlink;

<http://www.wirral.gov.uk/my-services/council-and-democracy/freedom-information-and-data-protection/information-ict-security-policy>

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## 5. Legislation

The following outlines relevant key legislation and guidance for sharing data in relation to this ISP.

Data Protection Act 1998  
Human Rights Act, Articles 2, 3 & 8  
Children Act 2004  
Children and Adoption Act 2002, (Section 120)  
Crime and Disorder Act 1998  
Common Law Duty of Confidence  
Caldicott Guidelines  
Equality Act 2010  
Fire and Rescue Services Act 2004  
Freedom of Information Act 2000  
Housing Act 1996  
Homelessness Act 2002 and Statutory Guidance  
Mental Health Act 1983  
Education Act 1996 & 2002  
NHS and Community Care Act 1990  
Sexual Offences Act 2005  
Mental Capacity Act 2005  
Hate Violence Crime & Victims Act 2004  
HM Government Information Sharing Guidance Package 2008  
Nursing & Midwifery Council Codes of Conduct  
Health and Social Care Act 2001  
Working Together 2006  
“What to do if you are worried a child is being abused” HO Publication  
“No Secrets”, NHS Advisory Group  
The Data Protection (Processing of Sensitive Personal Data) Order 2000

### Legislation covering Hate Crime offences:

- Public Order Act 1986, Part 111 Incitement to Racial Hatred
- Football Offences Act 1991 (as amended)
- Crime and Disorder Act 1998 (as amended by Anti-Terrorism, Crime & Security act 2001)
- Criminal Justice Act 2003
- Human Rights Act 1998
- Equality Act 2010
- Terrorism Act 2006
- Criminal Justice and Immigration 2008
- Data Protection Acts 1998 and 2003
- The Freedom of Information Act 2000
- Disability Discrimination Act 2000

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## **6. Data**

All Hate Crime MARAC partners should share relevant information regarding those referred and any associated persons whether current or historical. In addition the agencies should also share the following:

### **6.1 Age UK (Wirral)**

- Input incidents reported onto the Hate IAMF System
- Update on incidents they have received
- Update on help received and in what form (practical etc)
- Update on any needs identified
- Details on any needs identified
- Details of housing issues identified
- Details of any issues in which they may need assistance

### **6.2 Cheshire and Wirral Partnership NHS Foundation Trust (All services including Mental Health, Learning Disability Drug & Alcohol and Community Care Western Cheshire services).**

#### **Share relevant:**

- Input incidents reported onto the Hate IAMF System
- Health information of Victim/s or Perpetrator/s or linked children in 'High Risk' cases from the following services:
  - ◇ Drug and Alcohol Services
  - ◇ Learning Disability Services
  - ◇ Adult and Older Peoples Services
  - ◇ Child and Adolescent Mental health (CAMHS)
  - ◇ Community Care Western Cheshire (CCWC)
- Known wider Family history, including risk to children
- Any previous disclosure of hate crime
- Inform of any known links with 'General' MARAC involvement
- Any current care plans related to any case discussion including Safeguarding Adults safety plans known
- Issues of engagement or non engagement with services
- Issues of Capacity related to the case
- Risks to professionals

### **6.3 Clinical Commissioning Groups (Wirral)**

- Input incidents reported onto the Hate IAMF System
- Relevant medical history of client from their GP
- Previous disclosures of Hate Crime by client to their GP
- Updates of any involvement with the family

### **6.4 Irish Community Care Merseyside**

- Input incidents reported onto the Hate IAMF System
- Update on incidents they have received
- Update on help received and in what form (practical etc)

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- Update on any needs identified
- Details on any needs identified
- Details of housing issues identified
- Details of any issues in which they may need assistance

**6.5 Merseyside Fire and Rescue Service**

- Input incidents reported onto the Hate IAMF System
- Details of incidents, including the actions taken by MF&RS, if appropriate.
- Update on specific needs of the client if known.
- Update on specific needs of the perpetrator if known.
- Details of any current or previous involvement with perpetrator and client.
- Provide Fire Safety advice guidance and support to both the client, perpetrator if appropriate and provision of fire safety target hardening equipment
- Information about whether Target Hardening has been completed prior to the MARAC meeting.

**6.6 Merseyside Police**

- Input incidents reported onto the Hate IAMF System
- Number of previous Hate Crime incidents
- Relevant previous convictions from the Police National Computer (PNC)
- Details of incidents, use of weapons, threats to kill, threats to harm family members
- Details of previous police call outs to the relevant addresses
- Breaches of bail: both police and court bail
- Any recorded warning signals including drugs, weapons, suicide or assaults on police
- Update of police and court action for any current Hate Crime incidents including bail conditions

**6.7 Merseyside Probation Trust**

- Input incidents reported onto the Hate IAMF System
- Details of any current or previous orders
- Breaches of Orders
- Prison Information such as release dates or recalls

**6.8 Registered Providers of Social Housing (Appendix F)**

- Input incidents reported onto the Hate IAMF System
- Update on incidents they have received
- Update on help received and in what form (practical etc)
- Update on any needs identified
- Details on any needs identified
- Details of housing issues identified
- Details of any issues in which they may need assistance

**6.9 Terrence Higgins Trust**

- Input incidents reported onto the Hate IAMF System
- Update on incidents they have received
- Update on help received and in what form (practical etc)
- Update on any needs identified
- Details on any needs identified

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- Details of housing issues identified
- Details of any issues in which they may need assistance

**6.10 Victim Support Service**

- Input incidents reported onto the Hate IAMF System
- Update on incidents they have received
- Update on help received and in what form (practical etc)
- Update on any needs identified
- Details on any needs identified
- Details of housing issues identified
- Details of any issues in which they may need assistance

**6.11 VCAW (Voluntary Community Action Wirral)**

- Input incidents reported onto the Hate IAMF System
- A variety of Information dependent on Support/Signposting
- Information relating to Community Engagement Activities
- Information relating to Events, Conferences signposted
- Information relating to representation with regard to Local Strategic Partnerships, Health and Wellbeing Boards, Delegates, Active Members and Expert by Experience Bank.
- Information about Community fears and expectations.

**6.12 WIRED**

- Input incidents reported onto the Hate IAMF System
- Update on incidents they have received
- Update on help received and in what form (practical etc)
- Update on any needs identified
- Details on any needs identified
- Details of housing issues identified
- Details of any issues in which they may need assistance

**6.13 Wirral Chamber of Commerce**

- Input incidents reported onto the Hate IAMF System
- Update on incidents they have received
- Update on help received and in what form (practical etc)
- Update on any needs identified
- Details on any needs identified
- Details of housing issues identified
- Details of any issues in which they may need assistance

**6.14 Wirral Change**

- Input incidents reported onto the Hate IAMF System
- Update on incidents they have received
- Update on help received and in what form (practical etc)
- Update on any needs identified
- Details on any needs identified
- Details of housing issues identified
- Details of any issues in which they may need assistance

**6.15 Wirral Community NHS Trust**

- Input incidents reported onto the Hate IAMF System
- Relevant medical history of client from their GP

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- Previous disclosures of Hate Crime by client to their GP
- Updates of any involvement with the family
- Details of any children safeguarding concerns identified by the Health Visitor
- To advise of any other Wirral Community NHS Trust Services involvement.

**6.16 Wirral Council - Adult Social Care**

- Input incidents reported onto the Hate IAMF System
- Update on specific needs of the client if known to Adult Social Care
- Update on specific needs of the perpetrator if known to Social Care
- Details of any current or previous involvement with perpetrator and client.

**6.17 Wirral Council - Anti Social Behaviour Team**

- Input incidents reported onto the Hate IAMF System
- Details of any reports of ASB involving client
- Details of any reports of ASB by perpetrator
- Actions taken by ASBT

**6.18 Wirral Council – BME Support Service**

- Input incidents reported onto the Hate IAMF System
- Details of incidents, including the actions taken by the BME Support Service, if appropriate.
- Update on specific needs of the client if known.
- Update on specific needs of the perpetrator if known.
- Details of any current or previous involvement with perpetrator and client.

**6.19 Wirral Council – Corporate Services**

- Scrutiny overview of how the MARAC operates and observe any gaps in service making suggestions as and when appropriate to Heads of Service.

**6.20 Wirral Council - Children & Young Peoples Department**

- Input incidents reported onto the Hate IAMF System
- Details of incidents, including the actions taken by the school if appropriate.
- Update on specific needs of the client if known.
- Update on specific needs of the perpetrator if known.
- Details of any current or previous involvement with perpetrator and client.

**6.21 Wirral Council - Community Safety Team**

- Input incidents reported onto the Hate IAMF System
- Update of whether client has engaged with CST previously
- Update on whether client has engaged with non MARAC agency
- Information about clients fears
- Information about specific abusive behaviour
- Information about the impact crime / incident has had on family
- Update on any other legal protection routes being taken or considered by the client
- Details of any actions the client has taken to safeguard themselves and family members
- Details of any housing issues

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- Details on any other issues which may impact on clients safety which may include any disabilities or cultural needs
- Information about whether Target Hardening has been completed prior to the MARAC meeting.

**6.22 Wirral Council - Housing Options & Wirral Homes**

- Input incidents reported onto the Hate IAMF System
- Update on any outstanding or previous housing applications or moves
- Update on any recent contact with client or perpetrator including any placement in Hate Crime Safehouse
- Details of any housing issues.

**6.23 Wirral CVS (Council for Voluntary Service)**

- Input incidents reported onto the Hate IAMF System
- Update on incidents they have received
- Update on help received and in what form (practical etc)
- Update on any needs identified
- Details on any needs identified
- Details of housing issues identified
- Details of any issues in which they may need assistance

**6.24 Wirral Multicultural Organisation**

- Input incidents reported onto the Hate IAMF System
- Update on incidents they have received
- Update on help received and in what form (practical etc)
- Update on any needs identified
- Details on any needs identified
- Details of housing issues identified
- Details of any issues in which they may need assistance

**6.25 Wirral University Teaching Hospital Foundation Trust**

- Input incidents reported onto the Hate IAMF System
- Relevant history of the client
- Details of relevant medical history and admissions of client
- Update on whether client has engaged with NHS DAC
- Update on whether client has engaged with non MARAC agency
- Information about clients fears
- Information about specific abusive behaviour
- Information about the impact Crime has had on children
- Update on any other legal protection routes being taken or considered by the client
- Details of any actions the client has taken to safeguard themselves
- Details about any contact arrangements for the children
- Details of any housing issues
- Details on any other issues which may impact on clients safety which may include any disabilities or cultural needs  
Information about whether Target Hardening has been done prior to the MARAC meeting

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## 7. Statutory Gateways

The Statutory gateway for information sharing is as follows:

<u>Source</u>	<u>Legal issues</u>
<b>Data Protection Act 1988</b>	Protection of personal data
<b>Common Law</b>	Duty of Confidentiality
<b>Human Rights Act, Article 8</b>	Right to private and family life.

## 8. Information Sharing Without Consent

It is regarded as best practice to obtain the consent of the client to share information in cases of high risk Hate Crime however this approach is not always safe or possible.

There are several pieces of legislation that allow for the sharing of information without consent:

### LEGAL AUTHORITY

### PURPOSE

Crime and Disorder Act 1998

Prevention & Detection of Crime

Data Protection Act 1988; S29 (DPA)

Prevention & Detection of Crime  
and/or the apprehension or  
prosecution of offenders

### Schedule 2 & 3 DPA

To protect vital interests of the data  
subject. Serious harm or matter of  
life or death

For the administration of justice

For the exercise of functions

Conferred by any person by or under  
any enactment (police or social care)

In accordance with a court order

Child Protection – disclosure to  
social care or police under the  
exercise of functions under the

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Children Act, where the public interest in safeguarding the child's welfare overrides the need to keep the information confidential

**Human Rights Act Articles 2&3**

Right to life  
Right to be free from torture or inhumane or degrading treatment

**Common Law**

Overriding public interest

It is equally important for all agencies to consider the client and perpetrators right to a private life under Article 8 of the Human Rights Act.

In the event of any concerns about sharing information without consent, each agency should seek advice and guidance from their MARAC representative. Should this not resolve the concern, the matter should be escalated to their respective safeguarding team or Line Manager.

Any agency wishing to refer a case without having obtained the consent of the client or where consent has been refused must complete an Information Sharing without Consent Form prior to inputting the case onto the IAMF. A copy of this form must be sent to the CST electronically or by fax and is attached at Appendix A of this protocol.

**Agencies are reminded that as soon as a referral is entered onto the IAMF this is effectively sharing the information. If there is no consent to share and no written evidence to show the consent has been overruled, this may be a breach of confidentiality and the referral will not be accepted by the Hate Crime MARAC.**

**9. Data Controller for Signatory Agencies**

The data controller for each signatory agency must be of a sufficient standing within the agency to have a co-ordinating and authorising role as they are responsible for ensuring that the agency they represent obeys this protocol and all relevant legislation and associated policies and procedures relating to this protocol or a SIRO (Senior Information Risk Owner) under the National Data Handling Guidelines.

**10. Process – Disclosure of Evidence**

- Information shared at MARAC may not be used for other purposes unless sanctioned by the Chair e.g. a means of perpetrator

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management. This will include actions relating to housing or Anti Social Behaviour actions against a named perpetrator. Any agency

seeking information out of the remit of this protocol should be referred to the relevant agency outside of the MARAC.

- It is recognised that each agency has its own protocols and guidelines and that these should be adhered to for MARAC purposes
- Subject access requests should be made directly to the agency where the source of information disclosed had originated.
- Agreement should be sought from the Chair of the Community Safety Partnership Executive Group regarding any media involvement in any MARAC cases. It is essential that there is consistency, honesty, impartiality and a consent based approach when making information public.
- Information shared by other agencies must not be disclosed to the MARAC client without prior permission from the originating source.

## **11. Security and Data Management**

All agencies should ensure that the storage of all MARAC data is done in accordance with their respective agency protocols. All data must be stored to ensure integrity and confidentiality of the information.

All IAMF users must complete the Data Sharing and Storage Information Agreement which is available from the MARAC Coordinator in the Community Safety Team. A copy of this is attached at Appendix B of this protocol.

It is accepted by all MARAC agencies that governance of information shared out of the meeting falls within the individual agency governance protocols.

## **12. Confidentiality**

Response to Hate Crime violence must protect confidentiality because Hate Crime violence can be fatal so it is important not to underestimate the danger.

As far as possible, information should not be divulged about individual victims or alleged perpetrators without their permission and, even with this consent, consider carefully how much information needs to be disclosed. Disclosure of any information is always on a need to know basis. **If there are any breaches of confidentiality, it could**

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**constitute a disciplinary offence within their respective organisation or agency in addition to any breaches of legislation which carries penalties both for the individual and corporately.**

### 13. Safeguarding

Agencies are required to guide their staff in being able to recognise those victims of hate crimes who may be adults, or children, at risk of abuse, as defined below.

It should be borne in mind that victims of disability hate crime are, without exception, at risk. Separate to an entry on to the Hate IAMF this information should be subject of a distinct referral to the:

Central Advice and Duty (CADT) team, during office hours, on 0151 666 2006, or

Emergency Duty Team, out of office hours, on 0151 677 6557 as soon as practicable.

#### Definitions

##### Adult(s) at risk of abuse

The term 'Adult at Risk' has been used to replace 'vulnerable adult'. This is because the term 'vulnerable adult' may wrongly imply that some of the fault for the abuse lies with the adult abused. Wirral Safeguarding Adults Partnership Board (SAPB) agreed to use the definition of Adults at Risk in May 2011 following Law Commissions report which reviewed the framework for Adult Protection within

England. Therefore, Adults at Risk, for the purposes of these procedures, are those aged 18 years or over who appear to:

- ◇ have health or social care needs
- ◇ be at risk of harm; and
- ◇ be unable to safeguard themselves as a result of their health or social care needs
- ◇ be unable to safeguard their own well-being, property, rights or other interests.

Abuse-the term 'abuse' can be subject to wide interpretation and that, when determining whether abuse is taking place, consideration will need to be given to a range of factors. For the purpose of these procedures abuse is defined as: 'a violation of individual's human and civil rights by any other person or persons'. 'No Secrets' (Department of Health 2000). Abuse may be:

- ◇ a single act or repeated acts

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- ◇ an act of neglect or a failure to act
- ◇ multiple acts, for example, an Adult at Risk may be neglected and also financially abused

Intent is not an issue at the point of deciding whether an act or failure to act is abuse; it is the impact of the act on the person and the harm to that individual. Intent is something that needs assessing once the potential harm and or harm has been established.

### **Safeguarding children**

Where there are children involved, the Wirral MARAC procedures do not take precedence over the Wirral Safeguarding Children Board procedures. The Hate Crime MARAC Information Sharing Protocol is designed to enhance existing arrangements rather than replace them.

Where a victim who has children has been assessed as being at high risk of harm and a referral is being made to the MARAC, a referral should also be made as a matter of priority to the Central Advice and Duty Team (where this has not already taken place). This should be done in line with the Wirral Child Protection Procedures.

On the multi-agency referral form it should be clearly highlighted that this case has also been referred to the MARAC due to high risk concerns with regards to the safety of the adult victim.

### **14. Breaches of protocol**

Any breach of this protocol may have a significant impact on the safety of a high risk client therefore it is important that all agencies familiarise themselves with this protocol.

### **15. Complaints**

Complaints against another signatory agency should be submitted, in the first instance either verbally or in writing to the MARAC Coordinator, Community Safety Team. Should this fail to resolve the issue, it should be forwarded, verbally or in writing, to the MARAC Chair who will follow the complaint and discipline process laid down by the parent organisation of the department or agency against whom the complaint has been made.

Should the complaint be about a specific member of the MARAC, the initial complaint should be sent directly to the Strategic Lead for that agency.

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**16. Withdrawal**

The Strategic Lead for any agency who wishes to withdraw from this protocol must inform the Chair of the MARAC in writing. The Chair will forward this to the Community Safety Partnership Executive Group for a decision.

Withdrawal from this protocol will result in withdrawal from the MARAC and access to the IAMF.

Information which is no longer relevant should be destroyed in accordance with agency guidelines. This relates to any information that the partner has obtained during the MARAC process.

**17. Review**

This protocol will be reviewed annually by all MARAC partners within the framework of a MARAC AGM. The annual review shall take place in June dependant upon the contingencies of the service. A new participation declaration will require a new signatory statement every time this document is changed and updated.

**18. Declaration of Acceptance and Signatories**

An acceptance and participation signatory agreement stating that all the contents of this protocol have been agreed and accepted by all appointed MARAC participants

By signing this agreement all signatories declare their commitment to the procedures set out within this document, and declare that they are fully aware of the process of information sharing, and will comply with all legal aspects relating to this protocol.

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**Wirral Hate Crime MARAC  
Information Sharing Protocol  
(ISP)**



<b>Name</b>	<b>Agency</b>	<b>Signature</b>
Myrtle Lacey	Age UK (Wirral)	
Sheena Cumiskey	Cheshire & Wirral Partnership NHS Foundation Trust	
Val Tarbath	Clinical Commissioning Groups (Wirral)	
Breege McDaid	Irish Community Care Merseyside	
Paul Murphy	Merseyside Fire & Rescue Service	
John Martin	Merseyside Police	
Sue Brown	Merseyside Probation Trust	
<b>Appendix F</b>	<b>Registered Providers of Social Housing</b>	<b>- Page 33 -</b>
Emma Richards	Terrence Higgins Trust	
Andy Hall	Victim Support Service	
Annette Roberts	VCAW - Voluntary Community Action Wirral	
Linda Roberts	WIRED	
Clint Agard	Wirral Change	
Lisa Cooper	Wirral Community NHS Trust	
Graham Burgess	Wirral Council	
Angela Green	Wirral CVS - Council for Voluntary Service	
Raza Moula	Wirral Multicultural Organisation	
Tina Long	Wirral University Teaching Hospital Foundation Trust	

The agreed protocols are a live and on-going document, which will be reviewed and changed to meet the needs of the MARAC function. All changes are to be agreed and approved by all MARAC members prior to the changes taking place.

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**APPENDIX A**  
**WIRRAL HATE CRIME MARAC**  
**Information Sharing Without Consent Form**

<b>Victim name and DOB</b>				
<b>Victim address</b>				
<b>Children</b>	<b>DOB</b>	<b>Address</b>	<b>School (if known)</b>	
<b>Who is at Risk? (e.g. Children, client, family, others)</b>	<b>Who are they at risk from? (e.g. partner, ex-partner, family, self)</b>	<b>What are the concerns around this risk?</b>	<b>What are the immediate risks to this victim?</b>	<b>Risk Identified through Risk Assessment</b>
<b>Risk Identification Checklist (if it has been possible to complete a RISK ASSESSMENT, attach it here)</b>				
<b>Details of incident / information causing concern (include source of information)</b>				
<b>Details of incident / information causing concern (include source of information)</b>				

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**Wirral Hate Crime MARAC  
Information Sharing Protocol  
(ISP)**



**Legal Authority to share**

Protocol relevant	Y / N	If yes, please detail	
-------------------	-------	-----------------------	--

**OR**

Legal grounds (If yes, please tick one or more grounds below)	Y / N
Prevention and detection of crime	
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 (DPS, 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	
Overriding public interest (common law)	
Child protection – disclosure to social services or police for the exercise of functions under the children act, where the public interest in safeguarding the child’s welfare 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)**

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**Client Notification**

Client notified	Y / N	Date notified	
If not, why not?			

**Review**

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

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

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

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**Wirral Hate Crime MARAC  
Information Sharing Protocol  
(ISP)**



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

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## APPENDIX B

### Wirral Hate Crime MARAC Inter-Agency Monitoring System Confidentiality and Data Protection Declaration

<b>User First Name</b>	
<b>User Last Name</b>	
<b>Agency</b>	
<b>Job Title</b>	
<b>Access Required</b>	MARAC Agency / MARAC Recorder
<b>Address 1</b>	
<b>Address 2</b>	
<b>Address 3</b>	
<b>Postcode</b>	
<b>Telephone</b>	
<b>Fax</b>	
<b>Email</b>	
<b>Signed</b>	
<b>Date</b>	

**Note: By signing this form you are agreeing to the statements printed overleaf.**

**Please complete the form above and send it back to:**

*Ian Lowrie*  
*Community Safety Team*  
*The Old Courthouse*  
*Manor Road*  
Wallasey CH44 1BU  
[ianlowrie@wirral.gov.uk](mailto:ianlowrie@wirral.gov.uk)

Your username & password will be provided by email or telephone.

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## Confidentiality and Data Protection Declaration

By signing this form, you are agreeing to abide by the following statements:

- Agree to abide with the Council's Information / ICT Security Policy.
- All information held within the IAMF system is strictly confidential and must not be disclosed to persons other than professionals involved in the case.
- Information from the IAMF can only be shared if it is relevant and proportionate to facilitate the effective safety planning of the individual.
- It is the individual's responsibility to report verbatim if known, language and graffiti when recording incidents.
- It is the individual's responsibility to respect equal opportunities and anti-discriminatory practice and language when inputting actions onto the system.
- All information inputted onto the system must be accurate and free from jargon, and a clear distinction must be made between fact and opinion. Quotes the perpetrator said should, if possible, be verbatim.
- Information from the IAMF system must not be cut, copied or pasted into other documents without first obtaining permission from the referring agency.
- The IAMF system must not be accessed from public locations. Access is restricted to work based, security enabled computers.
- All passwords must be kept private and used only by the individual to whom they were assigned.
- Each agency is responsible for updating every case with their intelligence and actions. If the client or perpetrators are not known to the agency, an entry is required in the actions section confirming they have had no involvement.
- Any documents printed from the IAMF system must be kept confidential, and stored in accordance with data protection regulations.
- It is the individual's responsibility to ensure they log off after each session to prevent access by unauthorised persons.
- The above conditions are in addition to and support the Wirral MARAC Information Sharing Protocol.

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- **Login Screen warning -**

Working towards reducing **Hate Crime**

There is need for all Agencies to hold information securely. Any agency receiving any confidential information or personal data from any other agency hereto must keep such information confidential and take steps to prevent unauthorised access or disclosure of the same, and in this regard each agency must ensure the security of such information it receives by ensuring that care is taken to avoid any breach (intentional or otherwise) or disclosure to third parties outside the remit of this agreement.

The requirement to process personal data fairly and lawfully is set out in the first data protection principle and is one of eight such principles at the heart of data protection. The main purpose of these principles is to protect the interests of the individuals whose personal data is being processed.

I agree to abide by the Data Protection Principles

**To proceed any further, you have to check the above box to agree to abide by the Data Protection Principles**

Continue

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## Appendix C

### Terms of Reference

#### Wirral's HATE Incident /Crime prevention MARAC

##### **Mission Statement**

To encourage reporting of all Hate Incidents and Hate Crime and provide support to victims and their families.

##### **Hate Incident:**

Any non-crime incident which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person's age, disability, gender identity/reassignment, race, religion or belief, sexual orientation, perceived age, disability, race religion or belief, or sexual orientation. Or by association with someone who has a protected characteristic.

##### **Hate Crime:**

A Hate Crime is a criminal offence which is perceived by the victim or any other person, to be motivated by a hostility or prejudice based on a person age, disability, gender identity/ reassignment, race, religion or belief, sexual orientation, transgender, perceived age, disability, race, religion or belief, or sexual orientation. Or by association with someone who has a protected characteristic.

##### **Legislation:-**

- Public Order Act 1986, Part 111 Incitement to Racial Hatred
- Football Offences Act 1991 (as amended)
- Crime and Disorder Act 1998 (as amended by Anti-Terrorism, Crime & Security act 2001)
- Criminal Justice Act 2003
- Human Rights Act 1998
- Equality Act 2010
- Terrorism Act 2006
- Criminal Justice and Immigration 2008
- Data Protection Acts 1998 and 2003
- The Freedom of Information Act 2000
- Disability Discrimination Act 2000

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**Third Party reporting:-**

Third-party reporting schemes allow victims to report a hate crime / incident to the police anonymously or confidentially via a third party, like a community group or website, including:

- Citizens Advice Bureau
- Equality and Human Rights Commission
- Galop - London's lesbian, gay, bisexual and transgender
- Stop Hate UK
- Terrence Higgins Trust
- True Vision
- Victim Support
- VOICE UK

**Aims and Objectives of Wirral's MARAC:-**

**1) Increase victim and community confidence in the Criminal Justice System**

- Increase the proportion of victims and witnesses of hate crime who report its occurrence.
- Bring more hate crime offences to justice.
- Improve responses to hate crime and incitement to hatred that occurs on the internet.

**2) Prevent Hate crimes / incidents from occurring or escalating in seriousness**

- Improve the evidence base on the nature and extent of hate crime so as to inform prevention and intervention.
- Improve local responses to hate crime / incidents, particularly where there are high levels of hate crime or a high proportion of hate crime per capita.
- Develop systems and guidance that enable public bodies to utilise reports of hate incidents and hate crime to prevent hate crime.
- Examine how to appropriately respond to hate crimes at work.

**3) Improve Access to and take up of victim support.**

- Increase the proportion of victims and witnesses to report Hate Incidents and Hate Crime, making clear that no Hate Incident or Hate Crime is not serious enough to report.
- Bring more Hate Crime Offenders to Justice and obtain more successful outcomes when it is reported, therefore building victim's

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confidence in the Criminal Justice System by improving the service that victims receive from it.

- Improve the evidence base on the nature and extent of hate crime so as to inform prevention and intervention.
- Improve local response to hate crime by delivering systems and guidance that enable public bodies to utilize reports of hate incidents and hate crime, to prevent hate crime.
- Consider effective responses to hate crimes connected to work environments.
- We will seek to ensure that victims are referred to Support Agencies.
- We will seek to ensure that Agencies for victims of hate crime are sustainable.
- That support for victims is promoted to those Communities affected by hate incidents and crime.
- That Statutory Agencies provide a sympathetic, professional and responsive service to victims in line with their existing responsibilities.

#### **4) Safeguarding**

Agencies are required to guide their staff in being able to recognise those victims of hate crimes who may be children and or adults at risk of abuse. It should be borne in mind that victims of disability hate crime are, without exception, at risk. There are procedures for Safeguarding – please refer to the ISP.

Separate to entry on to the Hate IAMF this information should be subject of a distinct referral to the:

Central Advice and Duty (CADT) team, during office hours, on 0151 666 2006, or -  
Emergency Duty Team, out of office hours, on 0151 677 6557  
as soon as practicable.

#### **5) Membership:-**

All strands of diversity represented as contained within the Equality Act 2010 as per Information Sharing Protocol (ISP).

#### **6) Purpose:-**

- Encourage reporting through Inter Agency Monitoring Form (IAMF)
- Share information.
- Support victims and families.
- Taking a strategic overview.

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- Regular updates - quarterly reports to Community Safety Partnership.

**7) Multi Agency Risk Assessment Conference –  
(MARAC) Structure**

- Meetings every second Wednesday of calendar year.
- Community Safety Partnership will provide Administration support.
- Each Diversity Strand /Agency/Statutory Body will nominate a named representative / department to act as contact for support of the victim and attend MARAC when appropriate.
- Provide updates to Chairs and IAMF system.

Use of Inter Agency Monitoring Form (IAMF) allows for everyone to share information, with consent from the victim, for offering support outside the MARAC procedure. There are procedures for sharing without consent – please refer to the ISP.

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## Appendix D

### Committee Procedure – Confidentiality Statement

#### Wirral's Hate Crime MARAC

- All information presented to the MARAC Meeting is strictly confidential and should not be discussed or divulged to anyone outside the meeting except when sharing information between professionals, who are signatories to the data sharing protocol.
- It is the individuals' responsibility to respect diversity and anti discriminatory practice and language when presenting their contributions to MARAC Meetings.
- All contributions to MARAC's should be presented to the Chair person and must be accurate, fair and free from jargon.
- All contributions should focus on Hate Incident/Crime and child protection concerns and a clear distinction should be made between fact and opinion.
- Agencies/Departments/Organisations have responsibility for collating and printing minutes and updating the Inter Agency Monitoring Data base System with actions as/when they occur.
- Minutes from MARAC meetings will be prepared and updated by Wirral Community Safety Team.
- It is the Chairpersons overall responsibility to ensure above procedure of MARAC Meetings is respected.

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## Appendix E

### Hate Crime / Incident Risk Assessment

	Value	Score
<b>Offence type</b>	Police / CPS will advise on this section	
Indictable	3	
Assault Sec 18/20	2	
Assault Sec 39/47	1	
Harassment	2	
Criminal damage	1	
Public order	1	
Other	1	
<b>Details</b>		
Aggravating factor (weapon/arson/other)	Y = 2	
	N = 0	
Alcohol related incident - victim	Y = 2	
	N = 0	
Alcohol related incident - offender	Y = 2	
	N = 0	
Drug related incident - victim	Y = 2	
	N = 0	
Drug related incident - offender	Y = 2	
	N = 1	
Alleged offender known to victim	Y = 1	
	N = 0	
Repeat victim	Y = 2	
	N = 0	
Repeat offender	Y = 2	
	N = 0	
Is offender a neighbour	Y = 1	
	N = 0	
Repeat location	Y = 1	
	N = 0	
Age of victim	Under 18 years = 1	
	Over 18 years = 0	
Identified as vulnerable other than age	Add 0, 1 or 2	
Professional judgement	Add 0, 1 or 2	
	<b>Total</b>	

Score 5 or more consider Multi agency involvement (MARAC)

Does this case warrant Child Safeguarding referral? – Contact CADT 606 2006

Does this case warrant Adult at Risk referral? – Contact CADT 606 2006

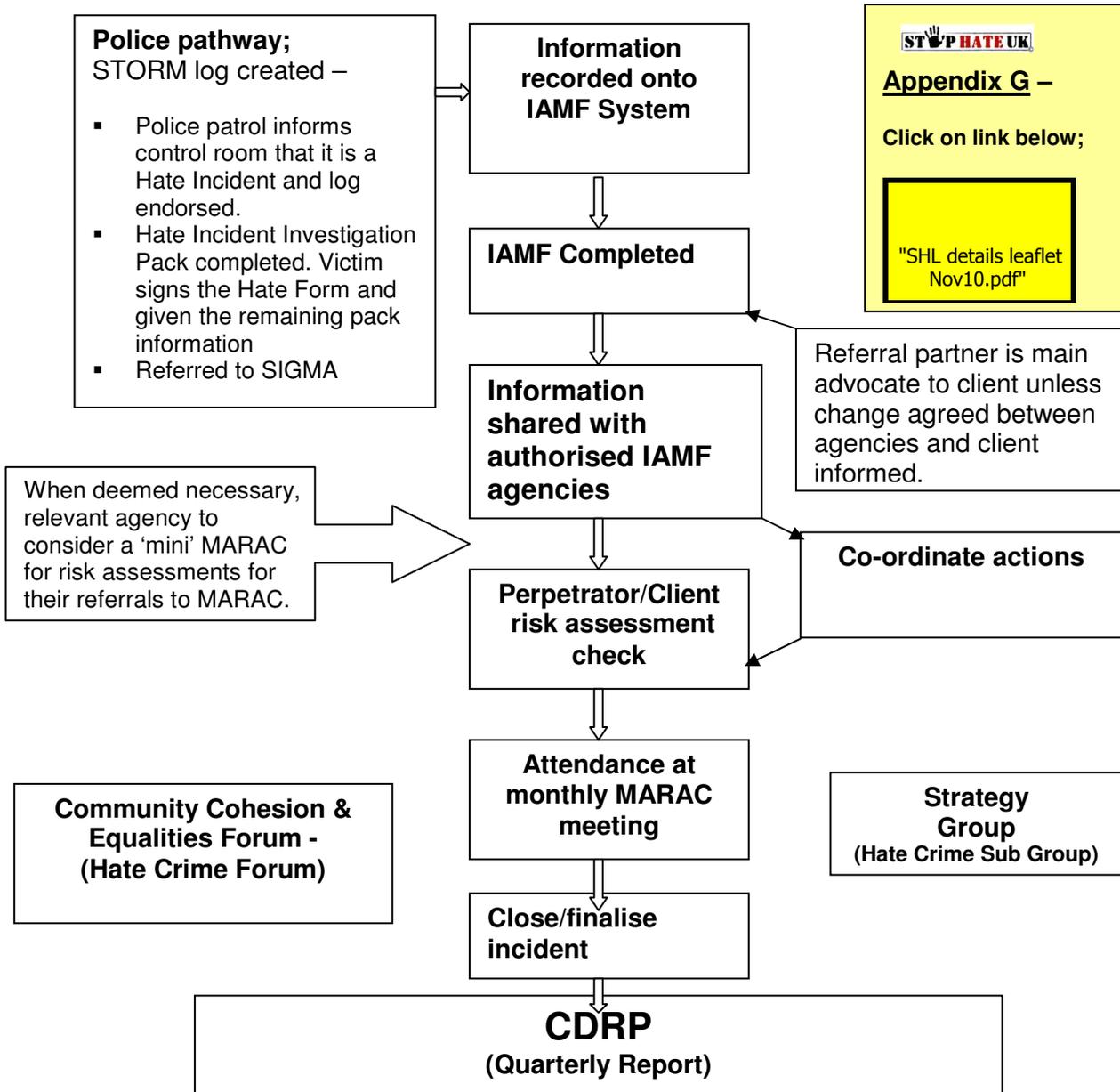
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**Appendix G**

**Pathways – Hate Incident Crime Prevention MARAC**

- a) Report to Police / Agency / Third Party e.g., Stop Hate UK
- b) In the event of Stop Hate – refer to process **Appendix G**
- c) Inter agency Monitoring Form IAMF completed by partners / departments
- d) Partners alerted to information
- e) Partners to access IAMF and provide actions / interventions and update record
- f) Risk assessment undertaken
- g) High risk accessed Hate incidents will be discussed at Wirral’s monthly MARAC.



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