



Consultation Response

Improving Multi-Agency Risk Assessment (MARAC) for victims at high risk of domestic abuse

The Scottish Commission for
Learning Disability
March 2019



The Scottish Commission for Learning Disability (SCLD) welcomes the opportunity to respond to this important consultation. SCLD is an independent charitable organisation and strategic partner to the Scottish Government in the delivery of Scotland's learning disability strategy, The keys to life (2013)¹ and The keys to life Implementation Framework (2019-2021)². The implementation framework defines a learning disability as follows:

“A learning disability is significant and lifelong. It starts before adulthood and affects the person’s development. This means that a person with a learning disability will be likely to need help to understand information, learn skills and live a fulfilling life. Some people with learning disabilities will also have healthcare needs and require support to communicate.”

(The keys to life, 2019-2021)

SCLD is committed to finding new and better ways to improve the lives of people with learning disabilities and is focused on sharing innovation and good practice so that those providing services and interventions can learn from each other. SCLD also aims to be a knowledge hub and to build an evidence base, sharing how policy is being implemented and building on an understanding of what really works. This response has been written with a focus on the implementation framework of The keys to life (2019-2021)³.

In focusing our response on the experience of people with learning disabilities, SCLD has chosen to concentrate on the following areas:

- Support for a statutory underpinning of MARACs (Question 7)
- Balancing rights with risk (Question 7)
- The need for national level training on domestic abuse and learning disabilities (Question 1)

¹ [The keys to life \(2013\)](#)

² [The keys to life \(2019-2021\)](#)

³ [The keys to life \(2019-2021\)](#)

- The important role of family support and learning disability specialism in multi-agency working (Questions 2 & 4)
- Including the individual (Question 4)
- The importance of appropriate information sharing (Question 6)
- Embedding guidance in practice (Question 5)

Support for a statutory underpinning of MARACs

Question 7: Do you think that multi-agency arrangements for protecting victims of domestic abuse should be placed on a statutory footing?

SCLD supports a statutory underpinning for Multi Agency Risk Assessment Conferences (MARAC). Primarily this support is based on an acknowledgement of a need for a national approach to ensure victims of domestic abuse are adequately supported in all areas across Scotland. SCLD believes that no person should be subjected to domestic abuse or gender based violence, and is committed to supporting the Scottish Government in the delivery of Equally Safe⁴. SCLD also understands and supports the premise that no one single agency can adequately support a person experiencing domestic abuse and therefore appreciates the importance of this multi-disciplinary approach which brings together all relevant agencies.

SCLD sees MARACs having an important role in supporting women with learning disabilities who are experiencing domestic abuse. At present, the number women with learning disabilities who experience in Scotland domestic abuse is not known. However, significant pieces of research have indicated that women with learning disabilities may be at increased risk. McCarthy et al ⁵ stated that a whole range of partner abuse from financial, physical and sexual was experienced by women with

⁴ [Scottish Government \(2017-2021\)](#)

⁵ [McCarthy, Hunt, & Milne \(2017\)](#)

learning disabilities. This is also supported by Thiara et al⁶ who highlighted that partners of disabled women often used their position to abuse and control the women, while being viewed by the outside world as a caring and loving partner. Alongside this, a recent report by Engender⁷ drew from a small scale survey conducted in Glasgow from Wise Women⁸. This highlighted that 73% of women with disabilities who took part in the survey had experienced domestic abuse and 43% had been sexually assaulted. This evidence is supported by Safe Lives (2017)⁹ in which people with learning disabilities experience of domestic abuse was highlighted alongside the limited availability of services which could appropriately support these women.

With this in mind, SCLD would welcome a statutory underpinning for MARACs which have a core focus on recommendations from Engender in 'Disabled Women: Our Bodies, Our Rights'¹⁰. In particular, SCLD sees a role for MARAC's in enacting the following recommendation from this report:

"Improve working relationships, including referral pathways, between disabled people or disabled women's organisations and rape crisis centres, and women's aid groups, including to increase the accessibility of refuge provision."

(Engender, 2018, p.38)

SCLD hopes that MARACs will be an opportunity to support people with learning disabilities experiencing domestic abuse. Particular attention will need to be given to how MARACs work alongside adult support and protection legislation. SCLD questions the appropriateness of MARACs being used as a support mechanism for the general population, while similar cases involving a person with learning disabilities experiencing domestic abuse may be referred to adult support and

⁶ [Thiara, Hauge, & Mullender \(2011\)](#)

⁷ [Engender \(2018\)](#)

⁸ [Wise Women \(2015\)](#)

⁹ [Safe Lives \(2017\)](#)

¹⁰ [Engender \(2018\)](#)

protection. How MARACs and adult support and protection legislation interlink and support one another in cases where a person has a learning disability will require more attention moving forward.

While SCLD supports a national implementation of MARACs, SCLD cautions against MARACs becoming a tool of overprotection for people with learning disabilities. To ensure this does not become the unintended consequence of MARACs, SCLD welcomes consideration being given to ensuring that best practice in MARACs balances both rights and risk.

Balancing Rights with Risk

Historic exclusion, institutionalisation and a lack of accessible information has led to people with learning disabilities being shielded, overprotected and stopped from leading an adult life. This issue is most clearly illustrated by David Hingbergers¹¹ ‘prison of protection’ which SCLD has drawn on in a previous consultation response¹².

It is critical that when working with people with learning disabilities who have experienced domestic abuse, that the MARAC process does not serve to enable a ‘prison of protection’. Instead MARACs should exist to support and ensure safety when appropriate.

The need for national level training on domestic abuse and learning disabilities

Question 1: How can we ensure training on domestic abuse and appropriate risk assessment tools for public bodies, agencies and services staff?

¹¹ [Hingsburger \(1952\)](#)

¹² [SCLD \(2019\)](#)

SCLD views national level training opportunities for health, social work and social care staff in front line services and who input in MARACs as critical. The keys to life implementation framework (2019-2021) sets out rights of people with learning disabilities to be protected from gender based violence. The framework states:

“Recognise and promote the rights of people with a learning disability to be protected against gender based violence by working with the NHS Health Scotland Advisory Group on their Gender Based Violence programme including the publication of guidelines for frontline staff in 2019.”

(Scottish Government, 2019, p.25)

SCLD therefore welcomes national training on learning disability and gender based violence. Learnings can be taken from work on gender based violence and learning disability by NHS Health Scotland. This organisation conducted a small training pilot to test the suitability of using the Talking Mats Keeping Safe Resource to aid conversations about gender based violence and also as a tool to identify and respond to women with learning disabilities who have experienced gender-based violence. Participants included frontline staff from the learning disability and violence against women sectors. Both groups of staff attended a separate session to develop their understanding on either gender-based violence or learning disability before coming together to explore how the Talking Mats resource could be used in the context of gender-based violence. The impact of the training is currently being evaluated however the immediate reflections of the participants demonstrated an increased confidence in their ability to support someone with a disability who had experienced abuse. Following the evaluation of this training, SCLD would welcome similar models of training being made widely available to frontline practitioners in learning disability and gender based violence services nationally. This type of training should include Talking Mats and expand beyond this to allow for staff from both fields being able to meet one another and have the opportunity to form links

and future information sharing practices. SCLD would welcome the opportunity input into the development of further training.

The important role of family support and learning disability specialism in multi-agency working

Question 2: In your view, what is the best model of multi-agency working for ensuring effective early interventions for victims of domestic abuse?

Question 4: In your view, who are the key partners that should be involved in multi-agency working to support victims of domestic abuse?

SCLD fully supports the wide range of specialisms listed on page 9 of the consultation document whose experience will be drawn on in developing MARACs. However, SCLD notes a gap with regard to Family / Parenting Support Services and learning disability specialist services. The importance of including both types of services is outlined briefly below:

Family / Parenting Support Services

Family / Parenting Support Services which do not fall within the categories specified in the consultation document can be critical for parents with learning disabilities. This is recognised in Part 12 of The Children and Young People (Scotland) Act¹³ in which supported parenting services are required under law when a child may be at risk of being removed from a parent's care. The particular importance of these services to parents with learning disabilities is highlighted in the National Guidance for Part 12 of The Children and Young People (Scotland) Act (2014)¹⁴. For parents with learning disabilities these services can be critical in ensuring long term,

¹³ [The Children and Young People \(Scotland\) Act \(2014\)](#)

¹⁴ [Scottish Government \(2016\)](#)

relationship based and flexible support. Therefore these types' services insight into the family life's and needs of the parent should be considered critical in the MARAC process, where the person experiencing domestic abuse is a parent with a learning disability.

Learning Disability Specialist Services

With regard to support for parents with learning disabilities, Stewart et al¹⁵ advocated for specialist multi-disciplinary teams providing support having recognised the advantages of this type of approach in providing whole family support. Similarly, for MARACs to take a truly multi-agency approach there is a need for professional learning disability specialism in cases involving where an individual has learning disability or a learning need is suspected. MARACs including learning disability specialists and services can ensure a number of additional considerations including communication need can be effectively addressed. This is particularly critical given proposals made in the Review of Section 12 of The Children and Young Persons (Scotland) Act (1937)¹⁶ and concerns expressed by SCLD's consultation response regarding a 'reasonable parent standard', without adequate provision of whole family support for parents with learning disabilities and the particular need for this type of support where a parent with learning disabilities may be experiencing domestic abuse.

¹⁵ [Stewart, Macintyre & McGregor \(2016\)](#)

¹⁶ [SCLD \(2018\)](#)

Including the individual

Question 4: In your view, who are the key partners that should be involved in multi-agency working to support victims of domestic abuse?

SCLD views the omission of the active voice of the person who is experiencing domestic abuse as requiring further consideration. While SCLD accepts that an Independent Domestic Abuse Advocate attends the meeting to represent the view of the individual, SCLD believes it is important that people experiencing domestic abuse be offered the opportunity to attend and participate in this process. Taking this approach recognises that a person impacted by domestic abuse is an expert in their own experience and could potentially offer valued input into what support would best benefit them, especially where decisions about what support is required are being discussed. SCLD believes there will be an important role for independent advocacy in achieving this.

SCLD's report, 'A Stronger Voice? A scoping study of independent advocacy for people with learning disabilities'¹⁷ highlighted the important role that advocacy played in ensuring people with learning disabilities were able to participate in meetings which impacted them. The report identified a number of 'soft' outcomes including: helping to stay calm during meetings and support to make points. The report was also able to identify 'hard' outcomes in which advocacy support had resulted in positive changes with regard to housing and ensuring social activities.

In understanding the important role independent advocacy can have in ensuring participation of people with learning disabilities, SCLD welcomes consideration being given to the role of this type of advocacy could have in supporting people to participate in MARAC meetings. This should be in instances where the person

¹⁷ [SCLD \(2018\)](#)

experiencing domestic abuse chooses to attend and in circumstances which this action would not place them at further risk. SCLD appreciates that individuals experiencing domestic abuse may not feel able/be able or want to input into these meetings.

SCLD understands that in some instances a person experiencing domestic abuse will be subject to controlling behaviours which may include not being able to leave their home unaccompanied. The risk of this type of behaviour may be heightened when a person has a disability and is reliant on the perpetrator for support or care (please refer to McCarthy et al¹⁸). In such circumstances, it may not be possible to actively engage an individual in this process without placing them at further risk of harm. In these instances, SCLD believes it is wholly appropriate that Independent Domestic Abuse Advocate attends and represents the individual's views on their behalf.

SCLD believes there will be a role for The Scottish Government in consulting with people who have experienced domestic abuse to find out if attending MARAC meetings, with support, would be beneficial. Particular attention should be paid to engaging with women with disabilities, including learning disabilities, about what impact attending and participating these meetings may have. This should sit alongside consultation with professionals on the appropriateness of this suggestion.

If this measure was deemed suitable, advocacy commissioners alongside local areas and health and social care partnerships should examine the local need for this type of service and ensure appropriate service planning and resource allocation. This is in line with recommendations 3 and 4 of SCLD's A Stronger Voice Scoping Study¹⁹.

¹⁸ [McCarthy, Hunt, & Milne \(2017\)](#)

¹⁹ [SCLD \(2018\)](#)

The importance of appropriate information sharing

Question 6: What protocols need to be put in place to ensure effective information sharing between agencies?

SCLD views the sharing of information between statutory and support services as critical in ensuring the safety of people experiencing domestic abuse. Where information sharing opportunities are missed this can result in significant implications. The negative implication of not sharing information effectively has been demonstrated in the North Lanarkshire Significant Case Review into the death of Miss A²⁰. In this case Miss A, who was a woman with a learning disability was killed by her partner Mr B. The partner, also has a learning disability and had been abusive towards Miss A for an extended period of time. Among a number of identified concerns in the management of this case, North Lanarkshire Adult Protection Committee highlighted two missed opportunities to share information. These findings are outlined below:

1. Failure to inform the police

The case review states,

“There was clear and continuing evidence of violence and abuse within the relationship between Miss A and Mr B. This violence was continuous throughout the length of the relationship and it recommenced in 2013 when the couple resumed their relationship after the break of nearly four years. Regardless of this, the police were never involved and, as a result, a police perspective with potential additional strategies to address and counter violent and abusive behaviour were never given the opportunity to be considered.”

²⁰ [North Lanarkshire Adult Protection Committee \(2016\)](#)

(North Lanarkshire Adult Protection Committee, 2016, p.18)²¹

2. Failure to communicate between support providers

“The Provider A staff working with Miss A were unaware that Mr B was a client of South Lanarkshire Council Social Work Services and in receipt of support from Provider B until shortly before Miss A’s death. There was no real contact between the services in the two local authority areas at any time prior to Miss A’s death and there is little doubt that this was a missed opportunity.”

(North Lanarkshire Adult Protection Committee, 2016, p.18)

This highlights the important role of appropriate information sharing between agencies in instances of high risk. In considering this, SCLD welcomes the development of a clear and concise protocol for information sharing between relevant organisations and services. The focus of this information sharing should be to promote collective responses to instances of significant risk or harm. To achieve this all relevant organisations inputting into MARACs should have an agreed process. This will involve producing guidance which should give illustrations of the type of information it is appropriate to share and at what time information should be shared. This should be supported with training. An important lesson from the Miss A case should be reflected in the guidance, this is that negative assumptions about a person or their capacity should not impact on the decision to share information *(See point 1 above)*.

Embedding guidance in practice

Question 5: In your view: what guidance is required to support and embed effective multi-agency working for victims of domestic abuse?

SCLD believes national guidance to support a consistent approach to the implementation of MARACs will be required. This national guidance should address

²¹ [North Lanarkshire Adult Protection Committee \(2016\)](#)

the specific issues facing women with learning disabilities. This national guidance should draw from the guidance currently being produced by NHS Health Scotland titled, 'Gender Based Violence and Learning Disabilities: Guidance for Professionals' (to be published).

This national guidance should reflect the delicate balance between rights and risk and the role whole family support could potentially have in addressing child protection concerns in cases involving parental learning disability and domestic abuse.

Critically, the guidance must be implemented at a consistently high standard across local areas. This will involve supporting the guidance with training, this should include the national level training on learning disability and gender based violence. This will support the implementation of the new keys to life framework (2019-2021)²².

Summery

SCLD supports ensuring MARACs have a statutory footing and national implementation of the MARAC process which is supported by robust guidance. SCLD believes the MARAC process should be underpinned by an understanding of the importance of balancing a person's human rights with risk and protection. Particular attention will need to be given to this when the person experiencing domestic abuse has a learning disability.

SCLD believes MARAC's will benefit from the input of family support services and learning disability services as well as seeing the potential in seeking more active participation from the person experiencing domestic abuse. Moreover, part of legislating for MARACs will need to include a process of determining how MARACs and The Adult Support and Protection Act (2007) will potentially interlink. All of

²² [The keys to life \(2019-2021\)](#)

this will need to be supported by robust guidance and information sharing procedures.

Recommendations

Based on what has been outlined above, SCLD would welcome the following recommendations being given consideration:

- 1) Implementation of a statutory backing for MARACs which seeks to address recommendations from Engender 'Disabled Women: Our Bodies, Our Rights'
- 2) Embedding a MARAC process which sufficiently balances rights and risks. This approach should be reflected in any relevant guidance
- 3) Development of national training about learning disability and gender based violence which incorporates the opportunity for learning disability services and gender based violence services staff to meet and network. This is in line with The keys to life implementation framework (2019-2021)²³ and priorities 3.7 and 3.15 of the Equally Safe Action Plan
- 4) Ensuring a role for family support services and learning disability services within MARAC's
- 5) Consult with domestic abuse survivors and professionals about the appropriateness of those experiencing domestic abuse having an active input in MARAC meetings
- 6) Develop a clear and concise protocol for information sharing which reflects important learnings from the Miss A significant case review. This should focus on challenging negative assumptions about people with learning disabilities capacity
- 7) Produce and implement national guidance for MARAC's which reflects a delicate balance of rights and risks and which is informed by NHS Health

²³ [Scottish Government \(2017-2021\)](#)

Scotland's guidance for professionals on learning disability and gender based violence

SCLD thanks the Scottish Government for the opportunity to respond to this important consultation.



Oonagh Brown
Policy and Implementation Officer (Parenting)
Scottish Commission for Learning Disability
Oonagh.b@sclد.co.uk

Contact us

Website: www.sclد.org.uk
Twitter: [@SCLDNews](https://twitter.com/SCLDNews)
Facebook: [@ScotCommission](https://www.facebook.com/ScotCommission)
Instagram: [@sclدnews](https://www.instagram.com/sclدnews)

For information on Scotland's Learning Disability Strategy *The Keys to life*, visit: www.keystolife.info

The Scottish Commission for Learning Disability
Suite 5.2
Stock Exchange Court
77 Nelson Mandela Place
Glasgow
G2 1QY

