

# Data Sharing

How can we enable successful data sharing?  
(Legislation, IT capabilities, ethics)

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# Data Sharing Between Multiple Agencies



Domestic Violence and abuse is a large scale national problem. Cooperation between agencies is important to help reduce the risk of cases slipping through the safeguarding system and stopping domestic abuse at an early stage or preventing it from happening in the first place. It makes it possible to see the whole picture, facilitating (i) early effective risk identification, (ii) improved information sharing, (iii) joint decision making and (iv) coordinated action to assess, manage and reduce risk (The college of Policing 2016)

The Caldicott Guardians guidance is intended to assist those involved in information sharing between agencies about Domestic Violence to make decisions. In particular Caldicott Guardians are those responsible for making decisions about the appropriateness of sharing information (including sensitive health information) about individuals involved in domestic violence. The Caldicott principles and guidance identifies the underlying ethical considerations so that tensions between confidentiality and information sharing may be resolved (Guardians, 2012).

A MARAC (Multi Agency Risk Assessment Conference) is a local, multi agency victim-focused meeting where information is shared on the highest risk cases of domestic abuse between different agencies including: police, criminal justice, health, child protection, housing, IDVAs (Independent Domestic Violence Advisers) as well as other specialists from the statutory and voluntary sectors. A safety plan for each victim is then created. Within the MARAC it is important that trust is fostered. If a particular agency is not seen as trustworthy, others will feel they should not share information with them. In particular the development of trusting relationships between health, social services and the police are absolutely crucial to the effectiveness of the MARAC.

The legislative and ethical considerations are often complex and Caldicott Guardians in their role as Gatekeepers to individuals' records may need guidance as to the application of Caldicott principles in relation to making judgements and authorising information sharing about domestic violence (Guardians, 2012).

# Continued

## There are Seven Golden Rules for sharing Information (Home Office, 2015)

- “1. Remember that the Data Protection Act 1998 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. Seek advice from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.
5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. Necessary, proportionate, relevant, adequate, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (see principles).
7. Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.”

# The Use of Police Information By Victims



Police information can support an application for a civil injunction to protect victims of domestic violence (DV) and their children. Evidence of a police warning or words of advice having been issued, a record of an out of court disposal such as a caution which provides evidence of an admission, or an officer's witness statement can all assist with establishing grounds for an injunction.

Police information can help to secure legal aid in child contact proceedings. Victims of domestic abuse may get funding in such cases under paragraph 12, schedule 1 of the legal Aid, Sentencing and punishment of Offenders Act 2012, but they need to supply evidence of the abuse, e.g, a caution, conviction, or a current or pending prosecution. If this is not provided, legal aid is unlikely to be granted. Please see regulation 33 of the Civil Legal Aid (Procedure) Regulations 2012 for a full list of possible supporting documents (The College of Policing 2016)

Accurate information is also central to child contact hearings, particularly as to whether a parent:

- has been arrested, charged or released without charge and the nature of any charges or potential charges;
- is subject to bail conditions (pre- or post-charge), precisely what these are and if they have been breached.

Although victims can provide some of this information to their family solicitors, it is often inaccurate or incomplete. However, Police officers can become a point of contact for the victim, for example, they can help with potential court proceedings and they can also help provide useful information or correct any discrepancies within the victim's statement to the solicitor. (The College of Policing 2016)

# Findings from Literature



Information might be sought by agencies involved in the family law system in relation to the victim, suspect, children and other previous partners or family members. For further information about the interface between family and criminal proceedings please see Fisher et al (2007)

When assisting family court hearings, the police and other concerned agencies should use the 2013 Protocol and Good Practice Model. This model should also be used when disclosing information to courts in cases of alleged Domestic violence or child abuse. This model was endorsed by the CPS, Senior Presiding Judges and by the NPCC as effective in criminal and care direction hearings (The College of Policing 2016). This model requires its users to:

- “Compile information promptly and comprehensively, as delays might lead to the family court postponing its decision relating to a child’s future
- If there are current criminal proceedings, consult the CPS before passing information on to the family court
- Provide police reports detailing incidents of domestic abuse that have come to police attention, particularly information relating to any children normally resident at the address and any observations made by attending officers
- Provide relevant witness statements
- Provide photographic or visually recorded evidence to the court, when available
- Provide first accounts made by the officer attending the incident, including the seriousness and the effect of the incident upon the victim and any children.”

Domestic violence police specialist teams should take an active role in establishing strong multi-agency links locally through local domestic abuse forums, specialist domestic violence courts (SDVCs), multi-agency risk assessment conferences (MARACs) and specific project initiatives undertaken to improve responses to domestic abuse. This should include monitoring the service delivered to victims of domestic abuse with the development of Service Level Agreements or joint action plans

# Gaps in our knowledge

- There is a need to understand what constitutes a breach of human rights when Multi Agencies share sensitive information (Bessant 2015)
- There is still a need to explore ethical issues to ensure proper conduct and professionalism has been maintained throughout data sharing, through to criminal and civil proceedings (Bessant 2015)

# Research Methods

- Methods used include qualitative data from published documents by the Police College 2016, Home Office (2013, 2014 and 2015) guidance on data sharing.
- The use of other available sources, for example, information available online from other domestic violence support agencies

# References

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