



Safeguarding Children Who May Be Forced Into Marriage

Policy and Procedure

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1. Introduction

This document provides guidance to professionals and volunteers from all agencies in Suffolk working to safeguard children.

This Procedure should be read in conjunction with the *Suffolk Safeguarding Children Board Procedures* <http://www.suffolkscb.org.uk> and the *Practice Guidance for Professionals* produced by the Forced Marriage Unit, Foreign and Commonwealth Office:

The Forced Marriage (Civil Protection) Act 2007 came into force in November 2008 and makes provision for protecting children, young people and adults from being forced into marriage without their full and free consent. It places the Government's forced marriage guidelines onto a statutory and criminal footing under the ASB Crime and Police Act 2014, Section 121:

Information for Social Workers

Information for Police Officers

Information for Health Professionals

Information for Education Professionals

This practice guidance is essential reading for professionals involved with forced marriage, and is accessed through the Foreign and Commonwealth Office's **Forced Marriage Unit (FMU)** ☎ 020 7008 0151

<http://www.fco.gov.uk/en/fco-in-action/nationals/forced-marriage-unit/>

2. Definitions

A forced marriage is a marriage conducted without the full and valid consent of both parties and where *duress* is a factor. Duress may include physical, psychological, financial, sexual and emotional pressure.

A clear distinction must be made between forced marriage and arranged marriage. In arranged marriages, the families of both spouses take a leading role in choosing the marriage partner, but the choice whether or not to accept the arrangements remains with the individual.

Most cases of forced marriage involve a British citizen being sent abroad or a partner coming from overseas but some take place in the UK with no overseas element. The majority of cases in the UK involve South Asian families but can also involve families from the Middle East, Europe and Africa. The Forced Marriage Unit dealt with 1,267 cases in 2013, 22% concerning children under 18.

3. Legislation

Forced marriage is a criminal offence under the ASB Crime and Police Act 2014, Section 121 – up to 7 years imprisonment, or breach of Forced Marriage Protection Order (FMPO) up to 5 years imprisonment. If an individual lacks capacity to consent to a marriage, it is a criminal offence under this legislation. Any religious marriage ceremony conducted against the young person's will in this country or overseas is a criminal offence.

A forced marriage may involve one or more other criminal offences e.g. common assault, cruelty to persons under 16, child abduction, rape, kidnapping, false imprisonment, harassment, threats to kill and even murder.

Working Together to Safeguard Children 2013 confirms that forced marriage and other so called 'honour crimes' come under the definition of domestic abuse. In 2004 the definition of domestic abuse was extended to include acts perpetrated by extended family members as well as intimate partners.

The Forced Marriage (Civil Protection) Act 2007 inserts new sections to the Family Law Act 1996 to enable the High Court or county court to make a Forced Marriage Protection Order (FMPO). This will protect someone from being forced into marriage, protect someone who has already been forced into marriage or prevent any steps being taken to force someone into marriage. There may be circumstances when this order is used in relation to children or young people.

4. Motives Prompting Forced Marriage

Parents who force their children to marry often justify their behaviour as protecting their children, building stronger families and preserving cultural or religious traditions. Some parents come under significant pressure from their extended families to get their children married. In some instances, agreements have been made about marriage when the children were very young.

Some of the key motives that have been identified are:

- Controlling unwanted behaviour and sexuality (including perceived promiscuity or being gay, lesbian, bisexual or transgender), behaving in a 'westernized manner', wearing make-up and kissing or displays of intimacy in public.
- Controlling unwanted behaviour such as use of alcohol or drugs.
- Preventing 'unsuitable' relationships, e.g. outside the ethnic, cultural religious or caste group.
- Protecting 'family honour' or 'izzat.'
- Responding to peer group or family pressure.
- Attempting to strengthen family links.
- Achieving financial gain.

- Ensuring land, property and wealth remain within the family.
- Protecting perceived cultural ideals.
- Protecting perceived religious ideals.
- Ensuring care for a child or vulnerable adult with special needs when parents or existing carers are unable to fulfill that role.
- Assisting claims for residence and citizenship.
- Long- standing family commitments.
- Reaction to a young person's rejection of a proposal to marry.

While it is important to have an understanding of the motives that drive parents to force their children to marry, these motives should not be accepted as justification for such an act.

5. Considerations

Workers from all agencies need to be aware that young people living within a forced marriage, or those under threat of one, may face significant harm if their families become aware that they have sought assistance from either statutory agencies or from community/voluntary based organisations.

Isolation is very real for those who have escaped a forced marriage or the threat of one. For many, running away is their first experience of living away from their family, friends and their usual environment. They often live in fear of their own families who may go to considerable lengths to find them and ensure their return as a way of restoring family honour. Refusal to go through with a forced marriage has, in the past, been linked to so-called 'honour crimes'.

Families may solicit the help of others to find the individual fleeing forced marriage (e.g. private investigators, members of the community including practitioners such as a GP who may be friends with the family), or involve the Police by accusing the child of a crime or reporting they have runaway.

Children forced to marry, or those who fear they may be forced to marry, are frequently withdrawn from education or have numerous absences, restricting their educational and personal development. They may feel unable to go against the wishes of their parents and consequently may suffer emotionally, with feelings of betrayal and shame that can lead to depression and self-harm.

The needs of victims of forced marriage will vary widely. They may need help avoiding a threatened or forced marriage or help dealing with the consequences of a forced marriage that has already taken place.

If an adult lacks capacity to consent to a marriage, please refer to the Adult Safeguarding procedures.

Assessment tools such as the Domestic Abuse, Stalking and Harassment, and Honour Based Violence (DASH) can be used to assess risk to the child. Consider liaison with the police for a further Honour Based Abuse (HBA) detailed risk assessment.

It is important to carefully record what the suspected victim/perpetrator says in order to assist any future police investigation.

6. Warning Signs of Forced Marriage

EDUCATION

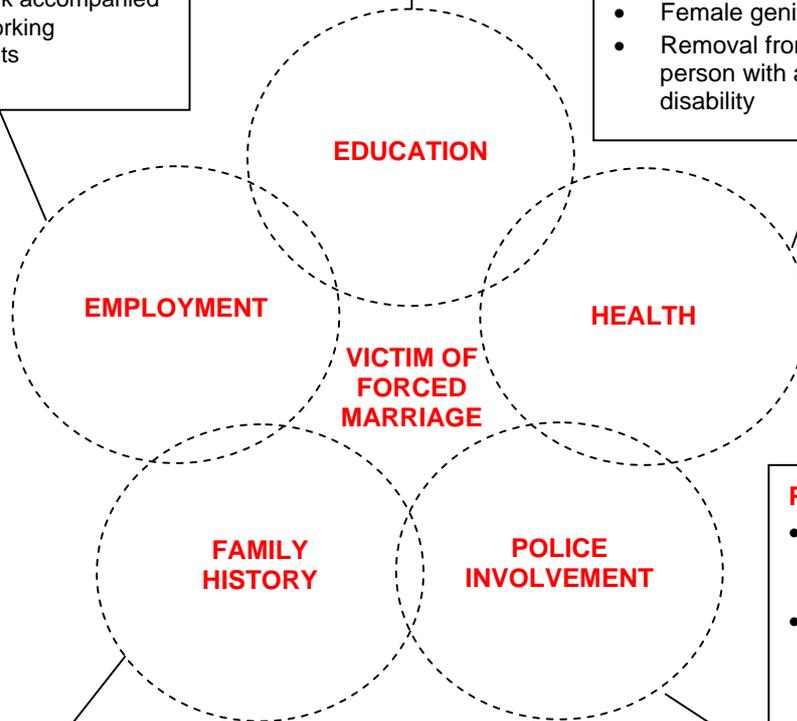
- Absence/Truancy
- Request for extended leave of absence and failure to return from visits to country of origin
- No “western” friends/no involvement in group activities
- Surveillance by siblings or cousins
- Decline in behaviour, engagement, performance or punctuality
- Poor exams results/low motivation
- Being withdrawn from school by those with parental responsibility and not being provided with suitable education at home
- Not allowed to attend extra-curricular activities, e.g. swimming
- Prevented from going on to further/higher education
- Sudden announcement of engagement to a strange

EMPLOYMENT

- Poor performance
- Poor attendance
- Limited career choices
- Not allowed to work
- Unable to attend business trips or functions
- Subject to financial control e.g. confiscation of wages/income
- Leaving work accompanied
- Inflexible working arrangements

HEALTH

- Accompanied to doctors or clinic
- Self harm
- Attempted suicide
- Acid attacks
- Eating disorders
- Depression
- Isolation
- Substance misuse
- Early/unwanted pregnancy
- Female genital mutilation
- Removal from a day centre of a person with a physical or learning disability



POLICE INVOLVEMENT

- Victim or other siblings within the family reported missing
- Reports of domestic abuse, harassment or breaches of the peace at the family home
- Female genital mutilation
- The victim reported for offences e.g. shoplifting or substance misuse
- Threats to kill and attempts to kill or harm
- Reports of other offences such as rape or kidnap.
- Child abuse/protection issues

FAMILY HISTORY

- Siblings forced to marry
- Early marriage of siblings
- Self-harm or suicide of sibling
- Death of a parent
- Family disputes
- Running away from home
- Unreasonable restrictions e.g. kept at home by parents (“house arrest”) and financial restrictions

7. Agencies and Professionals likely to come into contact with Victims of Forced Marriage

The following agencies are the most likely to come into contact with victims of forced marriage, or become aware that a forced marriage may be about to take place:

- Children & Young People's Services, including Early Help Services
- Adult & Community Services
- Police
- Fire & Rescue Services
- Schools/further education colleges/educational units
- Education Welfare services
- Youth services
- Voluntary/community agencies and faith groups
- Primary health care settings, including GP's, health visitors
- Mental health services
- A&E departments/paramedics
- Maternity and gynecological services
- Housing
- Refuges
- Registrars

Children & Young People's Services has the lead responsibility, along with Suffolk Constabulary, to protect young people who are being forced into marriage.

Information or referral about a forced marriage may be received from the victim or from a friend or relative, or from another agency or community-based organisation. Forced marriage may also become apparent through careful questioning in the course of responding to other situations within the family such as domestic violence, self-harm, child abuse, family/adolescent conflict or missing persons/runaways.

Important – ensure that referrals are clearly marked “Potential HBV or Forced Marriage”.

It is important that all practitioners:

- Do not treat allegations of forced marriage merely as a domestic issue and send the child back to the family home as part of routine child protection procedures.
- Do not ignore what the child has told them or dismiss out of hand the need for immediate protection.
- Do not approach the child's family, friends or those people with influence within the community, without the express consent of the child, as this will alert them to any enquiries that are being undertaken.
- Do not contact the family in advance of any enquiries, either by telephone or letter.

- Do not share information outside child protection information sharing protocols without the express consent of the child.
- Do not breach confidentiality, except where necessary, in order to ensure the child's safety.
- Do not attempt to be a mediator within the family/with community leaders.
- Do not place a child with Foster Carers of the same cultural/ethnic background until a comprehensive assessment has been completed which confirms they will safeguard the child.
- Do not use family members or member of the local community as interpreters. Consider using an interpreter of the same sex as the victim.
- Do not place a child in their own locality.

Care must be taken not to assume that an individual is at risk of forced marriage simply on the basis that they are being taken on an extended family holiday. These assumptions and stereotyping can cause considerable distress to families.

8. Agencies Responsible for Receiving Referrals

Referrals from practitioners regarding young people who have expressed a fear of being subject to forced marriage should be referred to:

Children & Young People Services: Customer First ☎ **0808 800 4005**

Out of Office Hours: Emergency Duty Service ☎ **0808 800 4005**

or

Suffolk Police: ☎ **101**

Email: mash@suffolk.pnn.police.uk

Following the telephone referral, the worker should confirm their concerns in writing within **24 hours**.

In all cases there should be early liaison between Children & Young People's Services and the Police and a decision made about the need for a Strategy Meeting (discussion in the MASH).

Telephone calls may also be received from the young person themselves, or a friend or a sympathetic member of their family. It is important that all relevant details are taken from them during the initial call, if time allows. This is called the ONE CHANCE RULE. If the family finds out that a report has been made to any organisation, travel and/or impending marriage arrangements could be brought forward.

In an emergency the young person or a practitioner should not hesitate to dial 999.

CYP Services and Police should liaise closely with the Forced Marriage Unit at the Foreign and Commonwealth Office.

In addition to the essential referral details the following additional referral details should be obtained if possible:

- The child's views and understanding.
- The nationality of the child under threat of forced marriage.
- Preferred language of the child and family (if different).
- Date and **place of birth**;
- Passport details (it is likely that the young person will have 2 passports) and location of the passport.
- Photograph, finger prints and DNA if possible (by police).
- Full details of the allegation.
- Booked or planned trips either in the UK or abroad that may be in preparation for, or to carry out the forced marriage (including addresses where known).
- Any other potential victims.
- Details of suspected perpetrators.

9. Action Following Referral to Children & Young People's Services

On receipt of a referral of a young person facing a forced marriage, the MASH will determine whether any **immediate** action is required to protect the young person, and carry out such action as is necessary (see paragraph 10). They will arrange a Strategy Threshold Meeting as soon as possible, within 1 working day of receipt of the referral.

Decide whether child protection enquiries under Section 47 of the Children Act, 1989 should be continued or if an assessment under Section 17 would be the most appropriate response. If Section 47 enquiries are to be undertaken, a decision needs to be made if the visit to the victim is by CYPS alone or jointly by CYPS and Police.

If there is an opportunity to have a Strategy Meeting before meeting the child/victim, this should be taken. No visits unless there has been clearance from the County Safeguarding Service Manager or a Detective Inspector.

A Strategy Planning Meeting will then be chaired by the Area Safeguarding Service Manager and will be attended by the team manager, designated social worker, the police, agency representatives who know the child or family, agencies that may be in a position to offer support services, and Legal Services.

The Strategy Meeting should:

- a) Share available information.
- b) Plan how enquiries/investigation/assessment should be carried out. This is an opportunity for the chair and police officer to brief their staff.

- c) Agree what immediate action is needed to safeguard the young person and/or provide interim services or support.
- d) Consider other children who may be affected by any action taken i.e. the safety of siblings.
- e) Consider the need for an interpreter. However, interpreters who are known to the family/community knowledge of the person should not be used.
- f) Decide how to proceed to ensure that the young person, or others, will not be placed at risk of harm.
- g) Agree what immediate action is needed to safeguard the young person and/or provide interim services or support.
- h) Consider the wellbeing of the workers involved in the assessment/investigation and their suitability for the work.
- i) Decide what information, if any, is to be shared with the family and the timing of this.
- j) Arrange a date for a strategy review meeting. Multiple strategy planning meetings in quick succession may be required to make effective plans.

10. Immediate Protection

Emergency procedures should be put into place if the young person is going to be removed from the country immediately or a marriage is imminent or the likelihood of harm and/ or the young person wants protection, That is, the young person's safety should be secured through Police Protection (Section 46, Children Act 1989), an Emergency Protection Order (Section 44, *ibid*) or Interim Care Order (Section 31, *ibid*), or through accommodation (Section 20, *ibid*) for young people over 16 years. Legal advice should be sought.

11. Making Section 47 Child Protection Enquiries

If the strategy threshold meeting determines that enquiries and action under S.47 are to be undertaken, several actions follow. Information about the family including the extended family should be gathered discretely and in a confidential manner. It will be important to see the young person alone, away from the family home or the influence of family/community members, as quickly as possible in a secure and private place:

- To reassure the young person that their concerns will be treated in the strictest confidence.
- To establish what the young person is saying.
- To establish the actual or perceived risk.
- To establish if there is a family history of forced marriage or abuse i.e. siblings forced to marry.
- To discuss the plans and safety of the young person.

- To provide information to the young person (e.g. details of the Foreign and Commonwealth Office).
- To give the young person information about available options, signposting to other support agencies (such as the Freedom Charity, Karma Nirvana etc.).
- To support the young person in deciding what they want to do next.
- To establish if they want parents to be approached at this stage.
- To establish if safe accommodation is required by the young person.
- To establish future means of making contact with the young person that do not increase the risk to the young person – safe contact method, place, use of code words.
- In all cases complete a full HBV risk assessment on the young person.
- Identify with the young person anyone who may be able to offer them safety.

If the young person wants to be accompanied during the interview, e.g. by a teacher or advocate, it is essential to ensure that the person understands the implications of confidentiality, especially with regard to the young person's family. The safety of the young person is of paramount importance and should not be compromised.

If the Forced Marriage Unit at the Foreign and Commonwealth Office are contacted they may require the following information:

- Name and age of young person
- Family name, including village name of birth parents
- Name of potential spouse and family, if known
- Address in overseas country

Outcome of Section 47 Enquiry

The impact of forced marriage on the welfare of a child may be very complex. Professional judgements may conclude that the safety needs can be adequately met through the ongoing intervention and services from different agencies.

Circumstances may exist where the child remains in the family and sufficiently robust arrangements to ensure that the child is safe and no longer experiencing duress and the threat of a forced marriage. These assessments must be made with extreme care and in conjunction with all agencies, including advice from the designated Area Safeguarding Manager and the Forced Marriage Unit. Arrangements for ongoing monitoring of the situation must be considered.

12. Involvement of Family Members

The Children Act states that Children's Social Care need to work in partnership with families and the Suffolk Signs of Safety Framework supports these principles. However, in situations of forced marriage this should be balanced with the principal of the welfare of the child being paramount. Practitioners need to be aware that children living within a forced marriage, or those under threat of one, may face significant harm if their families become aware that they have sought assistance from either statutory agencies such as Children & Young People's Services and Police, or from voluntary/community based organisations. Caution should be taken by all practitioners to ensure that they clearly establish that information is shared with the appropriate person and they should seek advice if necessary. Families may go to great lengths to find out information about the whereabouts of children from practitioners and get them to collude with such.

Placing the child or young person with a family member or member of the same community may place them at risk of significant harm from other family members or individuals acting on the family's behalf.

In circumstances where safe accommodation is provided for a child/young person, liaison should take place with Legal Services regarding the sharing of information with family members.

13. Disabled Children

Children with mental health needs, learning and/or physical disabilities are particularly vulnerable to forced marriage and its consequences because they are often reliant on their families for care. They may have communication difficulties and they may have fewer opportunities to disclose. Practitioners should be alert to the particular needs of disabled children, making sure the young person knows how to raise concerns and receive whatever additional assistance and support they require.

The Mental Capacity Act 2005 is clear that there are certain decisions that cannot be made on behalf of another person and this includes the decision to marry. There is therefore no legal basis on which someone can agree to marriage or sexual relations on behalf of someone who lacks the capacity to make these decisions independently.

14. Lesbian, Gay, Bisexual or Transgender Young People

Practitioners should be aware that young people may be vulnerable to forced marriage because of issues of sexuality and may be less open to seek support. Therefore they may need access to specialist advocacy services.

15. Paediatric Assessment

In some cases it may be necessary to arrange a paediatric assessment. It is appropriate to discuss the situation with the Designated or Named Doctor to decide what assessment is required. The examination of the young person should be carried out in accordance with Suffolk SCB Child Protection Procedures 'Joint Protocol for Child Protection Paediatric Assessments'.

16. Response for Young People who have been Subject to Forced Marriage

Some forced marriages are only brought to agencies' attention after the marriage has taken place, when legal remedies may prove more difficult. Young people who seek assistance following a forced marriage should be regarded as children in need under Section 17 of the Children Act, 1989, or under Section 47 of the same Act if there is the likelihood the young person is suffering significant harm. Any response should be based on a holistic assessment of their situation and clear understanding of the action that they wish to take.

A young person who has already been married has limited choices. They may:

- Stay within the marriage.
- Flee the marriage.
- Confront their family and seek their backing.
- Try to prevent a visa application for a spouse being brought to the UK.

If the young person chooses to stay within the marriage, information about support and counselling services should be provided to the young person and referrals made for appropriate support.

If the young person chooses to flee the marriage support should be given and an exit strategy devised. Assistance will be required to access safe housing and benefits as well as counselling and appropriate support services within the new community. Information regarding accessing legal advice should be provided if they wish their marriage annulled. This must be undertaken within 3 years of the marriage taking place.

Confronting the family may be extremely risky for the young person. They may not get the support they hope for even with the support of agencies.

Although young people may try to prevent a successful visa application for their spouse, in reality this is not possible to do without all parties being aware of the young person's reasons for not wanting to sponsor their spouse's visa application. In all cases young people need to be made aware of the possible consequences of their actions.

17. Response to Report by Third Party of a Young Person Having Been Taken Abroad for the Purpose of a Forced Marriage

Some young people are taken overseas on the pretext of a holiday, the wedding of a relative or the illness of a grandparent, for example. On arrival their passport and documents may be taken away from them.

In such cases the Police and Children & Young People's Services should gather intelligence (see Section 8), and work closely with the Forced Marriage Unit at the Foreign and Commonwealth Office.

It is not advisable to contact an overseas organisation to make enquiries. If the family becomes aware that enquiries are being made, they may move the young person to another location or expedite the forced marriage.

Once a young person has left the country, efforts can be made to seek the return of the young person to the jurisdiction of England and Wales by making them a Ward of Court. An application can be made to the High Court Family Division by a relative, friend, the Children and Family Court Advisory Support Service (CAFCASS) or the Local Authority.

Use of the Forced Marriage (Civil Protection) Act should also be considered.

18. Response for a Young Person Repatriated to the UK from Overseas

Sometimes the Foreign and Commonwealth Office may ask Children & Young People's Services for assistance when a young person is repatriated to the UK. The young person may be extremely traumatized. They may have been held against their will, suffered physical emotional and/or sexual harm and sometimes will have risked their life to escape.

The choices available to the young person are limited:

- To leave their family and live in hiding.
- To leave their family and seek a prosecution against them.
- To return to their family in the hope that the situation can be resolved.
- Arrange for someone to meet the young person at the airport.
- Inform the police in case the family try to locate the young person.
- Organise safe accommodation.
- Consider whether it is appropriate to apply for an emergency protection order or interim care order.

See 'Adult Safeguarding Board Forced Marriage and Honour Based Violence Guidance for staff working with Vulnerable Adults'.

19. Response for a Spouse Who Has Come to the UK from Overseas

Some young people who are not British citizens are brought to the UK after they have been forced to marry overseas. Often these young people are not aware of the support to which they are entitled. They may also not be able to speak English and are kept by the family, usually in-laws, in virtual isolation.

The choices available to the young person are limited:

- To stay within the marriage.
- To flee the marriage and apply to be allowed to remain in the UK.
- To flee the marriage and return to their country of origin.

The young person may be frightened by contact with statutory agencies, as they may have been told that the authorities will deport them. For many young people returning to their country of origin is not an option. They may be ostracized, subjected to violence or even killed for bringing perceived shame on to the family.

Children & Young People's Services should:

- Consider any young person under the age of 18 in the same manner as an unaccompanied asylum seeking minor and accommodate the young person under Section 20 of the Children Act 1989.
- Assist the young person in seeking immigration advice if this is required.
- Inform the police.
- Record any injuries and arrange a medical examination. Inform the doctor that there may be an immigration application.

20. Young Adults Forced Into Marriage

Young people over the age of 18 who are facing, or have been subject to, forced marriage should be referred to Customer First 0808 800 4005 [Emergency Duty Service: 0808 800 4005] . The Adult Safeguarding Manager should arrange a meeting and will co-ordinate the assessment and service provision in line with Government guidance.

References and further information:

Foreign & Commonwealth Office Forced Marriage Unit - experienced caseworkers offer support and guidance

 **020 7008 0151**

Foreign and Commonwealth Office 2014

‘HM Government Multi-agency practice guidelines: Handling cases of Forced Marriage’

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

HM Government 2006

‘Working Together to Safeguard Children’

www.fco.gov.uk/forcedmarriage

<http://www.suffolkscb.org.uk>

Freedom Charity – 24 hour helpline

 **0845 607 0133**

Karma Nirvana Honour Network Helpline

 **0800 5999 247**