



**Kingston Local Safeguarding Board**

# **Forced Marriage Guidance**

**August 2012**

**Approved by LSCB: August 2012**

**Review Date: August 2014**

Kingston LSCB has developed these guidelines to assist professionals from all agencies in dealing with cases of forced marriage. The guidance is based on the multi-agency practice guidelines on forced marriage issued by the Forced Marriage Unit. The Forced Marriage Unit is a joint initiative between the Foreign and Commonwealth Office and Home Office.

A list of local contacts and resources to which staff from any agency can refer for further information, advice and support can be found at the back of this document.

The procedure was reviewed and agreed by the LSCB Policy and Procedure Subgroup in June 2012 and subsequently approved by the LSCB on 31st August 2012.

This guidance is based on 'Multi-Agency Practice Guidelines: **Handling Cases Of Forced Marriage**' Foreign & Commonwealth Office 2009 and 'Forced Marriage and Learning Disabilities: **Multi-Agency Practice Guidelines**', Foreign & Commonwealth Office 2010 and are focused on aspects of safeguarding children.

## **1. DEFINITION**

A 'forced' marriage (as distinct from a consensual 'arranged' marriage) is a marriage in which one or both spouses do not (or, in the case of some adults with learning or physical disabilities, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

Forced marriage cannot be justified on religious grounds and every major religion condemns the practice.

It is very important that forced marriage is not confused with arranged marriage. An arranged marriage is where the families of both spouses take a leading role in introducing the couple to each other and arranging the marriage, but the choice as to whether or not to enter into the marriage remains with the couple. The tradition of arranged marriages has operated successfully in many cultures and many countries for a very long time.

Honour based violence may be a feature of forced marriage. The term embraces a variety of crimes of violence (mainly but not exclusively against women), including assault, imprisonment and murder, where the person is being punished by their family or their community. They are being punished for actually, or allegedly, undermining what the family or community believes to be the correct code of behaviour. In transgressing this correct code of behaviour, the person shows that they have not been properly controlled to conform by their family and this is to the "shame" or "dishonour" of the family.

## **2. NATIONAL AND LOCAL CONTEXT**

The Forced Marriage Unit (FMU), a joint initiative between the Foreign and Commonwealth Office and Home Office, is the primary source of data on the frequency of forced marriage within the UK. In 2011 there were 1468 instances where the FMU gave advice or support related to a possible forced marriage. There were 66 instances involving those with disabilities (56 with learning disabilities, 8 with physical disabilities and 2 with both), and 10 instances involving victims who identified themselves as LGBT. Of the 1468 instances, 78 per cent were female and 22 per cent male (FMU, February 2012).

In Kingston, in the twelve months preceding June 2012, the Police received four reports where forced marriage was identified as a concern. In one of these cases a forced marriage actually took place.

In the UK forced marriage, where it affects children and young people, is regarded as a form of child abuse as well as an abuse of human rights. Although it can happen to males and females, most of the reported cases involved young women and girls aged between 13 and 30. The majority of cases of forced marriage involved

South Asian families. This is partly a reflection of the fact that there is a large, established South Asian population in the UK. However, it is clear that forced marriage is also a feature in other communities, e.g. amongst families from East Asia, the Middle East, Europe and Africa. Some forced marriages take place in the UK with no overseas element, while others involve a partner coming from overseas or a British national being sent abroad.

Kingston LSCB and its constituent agencies are committed to addressing the safeguarding issues that may arise for children and young people as a result of forced marriage. This procedure is intended for use by all professionals in Kingston in dealing with the complex and sensitive issue of forced marriage, and to assist them in the early identification of risk, decision making, and planning interventions to safeguard children who are subject to, or may be at risk from, this type of abuse. This includes anyone who may be acting on behalf of those professionals.

### **3. THE LEGAL POSITION**

There is no specific criminal offence in England and Wales of “forcing someone to marry”; however criminal offences may nevertheless be committed. Perpetrators – usually parents or family members could be prosecuted for offences including threatening behaviour, assault, kidnap, abduction, theft (of passport), threats to kill, imprisonment and murder. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage or not. A woman who has been forced into marriage is likely to be raped and may be raped until she becomes pregnant. The forced marriages of children (and vulnerable adults) may involve one or more criminal offences e.g. common assault, cruelty to persons under 16, child abduction, rape, kidnapping, false imprisonment and even murder.

There are a number of civil and family orders that can be made to protect those threatened with, or who may already be in a forced marriage. Adults can seek non-molestation orders or orders for protection from harassment, whereas Children Act 1989 remedies are available for children in the form of a care order or supervision order.

The Forced Marriage (Civil Protection) Act 2007 came into force in November 2008 and provides for protecting both adults and children at risk of being forced into marriage, as well as offering protection to those who have already been forced into marriage. It also gives the courts a wide discretion to deal flexibly with each individual case, employing civil remedies that offer protection to victims without criminalising family members.

For example Forced Marriage Protection Orders can be sought under the Act. This means that the court can order those forcing another into marriage to stop or impose requirements upon them. The terms of orders can be tailored to meet the specific needs of victims. If a person fails to comply with the court order they could be fined, imprisoned or both.

Anyone threatened with forced marriage or forced to marry against their will can apply for a Protection Order. Not all victims will be able to apply personally to the courts for protection however. Some might not want to take court action against members of their own family. Where this happens the intention is that other people

or organisations can step in on their behalf. Third parties, such as relatives, friends, voluntary workers and police officers, can also apply for a protection order with the leave of the court. Local authorities can now seek a protection order for vulnerable adults and children without leave of the court. Guidance published by the Ministry of Justice (Forced Marriage (Civil Protection) Act 2007): Guidance for local authorities as relevant third party and information relevant to multi-agency partnership working) explains how local authorities can apply for protection orders and provides information for other agencies.

For children an application for a care or supervision order can be made under the Children Act 1989 or wardship proceedings may be issued in the High Court. The Mental Capacity Act 2005 aims to empower people to make decisions about their own lives where possible and protects those who lack capacity. If a person does not consent or lacks capacity to consent to a marriage, that marriage must be viewed as a forced marriage whatever the reason for the marriage taking place ([www.legislation.gov.uk/ukpga/2005/9](http://www.legislation.gov.uk/ukpga/2005/9)).

#### **4. NATIONAL GUIDANCE AND SUPPORT**

A significant amount of national guidance on the identification and management of Forced Marriage currently exists. This includes:

- [Handling Cases of Forced Marriage: multi-agency practice guidelines](#)
- [Forced Marriage and Learning Disabilities: multi-agency practice guidelines](#)
- [The Right to Choose: multi-agency statutory guidance](#)
- [Handling Cases of Forced Marriage](#) : a booklet intended for frontline workers such as health professionals, social workers, police officers, housing officials and education professionals, which provides practical advice on identifying and handling cases of forced marriage.

The Forced Marriage Unit is the Government's current central unit dealing with forced marriage casework, developing Government policy and coordinating outreach projects. They can be contacted for information, support and advice at:

Forced Marriage Unit  
Old Admiralty Building,  
Whitehall, SW1A 2PA

Tel: 020 7008 0151

Email: [fm@fcu.gov.uk](mailto:fm@fcu.gov.uk)

Specifically in relation to safeguarding children, section 6.2 of *Working Together to Safeguard Children 2010* and Section 5.16 of the *London Child Protection Procedures (4<sup>th</sup> Edition)* provides guidance for professionals in respect of the safeguarding issues arising from forced marriage.

#### **5. POSSIBLE CONSEQUENCES OF FORCED MARRIAGE**

Taking of dowry, forced repatriation, female genital mutilation, acid attacks, blood feuds, honour killings, abduction and homicide. Many of these acts fall within the definition of domestic abuse.

Forced marriages of children may involve non-consensual and/or underage sex, emotional and possibly physical abuse and should be regarded as a child protection issue and referred to children’s social care.

## 6. FORCED MARRIAGE AND CHILDREN WITH LEARNING DISABILITIES

Research also indicates that the forced marriage of children and adults with learning disabilities is likely to be vastly underreported and can differ from the way in which forced marriage presents generally.

<b>People without a learning disability</b>	<b>People with a learning disability</b>
Duress always a factor	Duress may manifest itself differently, the person may even appear happy about the forthcoming marriage as they may not appreciate the consequences.
Victim often reports themselves that they may be or have been forced into marriage.	May report themselves or may need support to report. May be reliant on others to recognise what is happening and report or take action. By far the majority of cases come to the attention of statutory agencies through a third party.
More females than males reported to be forced into marriage. Most support services for forced marriage focused on meeting needs of females.	In the case studies identified through this research, proportions of males and females with learning disabilities being forced into marriage are similar. Services need to address needs of males and females.
Capacity to give or withhold informed consent to marriage.	May lack capacity to give consent to marriage. May not understand they are being forced into marriage. May be more easily coerced into marriage.
May be able to obtain support or support themselves if leave family or community (to find work, apply for benefits, housing, medical needs and so on), though they are often supported in accessing accommodation and other support services, particularly in the short term.	Often need ongoing support from a range of professionals in order that daily living needs are met (may include personal care, helping to eat, shopping, finances, social and leisure activities, work and so on). May need specific and specialist support if placed in a refuge. Males may find it difficult to obtain place of safety given limited availability of refuges to meet needs of males with or without a learning disability.

There are additional factors which may make someone with a learning disability more vulnerable. Some key motives for forcing people with learning disabilities to marry include:

- Obtaining a carer for the person with a learning disability.
- Obtaining physical assistance for ageing parents.

- Obtaining financial security for the person with a learning disability.
- Believing the marriage will somehow “cure” the disability.
- A belief that marriage is a “rite of passage” for all young people.
- Mistrust of the “system”, mistrust of external (e.g. social care/health) carers.
- A fear that younger siblings may be seen as undesirable if older sons or daughters are not already married.
- The marriage being seen as the only option or the right option (or both) – no alternative.

## **7. SIGNS AND INDICATORS**

Victims of existing or prospective forced marriages may be fearful of discussing their worries with friends and teachers; however they may come to the attention of professionals, those working in community groups or in a voluntary capacity due to various behaviours or circumstances consistent with distress. These may include factors relating to:

### **Education**

- Absence and persistent absence
- Request for extended absence and failure to return from visits to country of origin
- Fear about forthcoming school holidays
- Surveillance by siblings or cousins at school
- Decline in behaviour, engagement, performance or punctuality
- Being withdrawn from school by those with parental responsibility
- Removal from a day centre of a person with a physical or learning disability
- Not allowed to attend extra-curricular activities
- Sudden announcement of engagement to a stranger
- Prevented from going on to further/higher education

### **Health**

- Accompanied to doctor’s or clinics
- Self harm
- Attempted suicide
- Eating disorders
- Depression
- Isolation
- Substance misuse
- Early/unwanted pregnancy
- Female genital mutilation
- Sexual or other signs of abuse

### **Police**

- 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
- Acid attacks

### **Family History**

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

## **8. RESPONSE**

### **The “One Chance” Rule**

You may have only one chance to speak to a victim and thus only one chance to save their life. This means that all practitioners working in statutory agencies, community workers and volunteers need to be aware of their responsibilities and obligations when they come across potential cases of forced marriage. If the victim is allowed to walk out of the door without support being offered, that one chance might be wasted. Everyone working with potential victims of forced marriage or honour based violence need to be aware of the “one chance” rule.

### **First Steps in all Cases**

- See them immediately in a secure and private place where the conversation cannot be overheard.
- See them on their own – even if they attend with others.
- Explain all the options to them.
- Recognise and respect their wishes.
- Perform a risk assessment using guidance in the supplementary London procedure for safeguarding children abused through domestic violence. The Forced Marriage Unit can also be contacted for risk assessment Guidance.
- Contact, as soon as possible, a trained specialist who has responsibility for forced marriage (e.g. the National Forced Marriage Unit).
- If the young person is under 18 years of age, refer them to the Safeguarding Services and Police Child Protection Unit and activate local safeguarding procedures (making sure your concerns about forced marriage are explicitly stated to ensure that the parents are not contacted).
- Reassure them about confidentiality i.e. practitioners will not inform their family.
- Establish a way of contacting them discreetly in the future.
- Obtain full details to pass on to the trained specialist.
- Consider the need for immediate protection and placement away from the family.

## **DO NOT:**

- Send them away or back to their family.
- Approach members of their family or the community unless they expressly ask you to do so.
- Share information with anyone without their express consent.
- Breach confidentiality unless you are under obligation to do so under the information sharing protocol.
- Attempt to be a mediator.

## **Additional Steps:**

- Give them, where possible, the choice of ethnicity/gender of the specialist who deals with their case.
- Inform them of the right to seek legal advice/representation.
- If necessary, record any injuries and arrange a medical examination.
- Give them personal safety advice.
- Develop a safety plan in case they are seen i.e. prepare another reason why you are meeting. The Forced Marriage Unit and Victim Support Kingston can advise on the preparation of safety plans.
- Establish if there is a family history of forced marriage, e.g. siblings forced to marry (other indicators may include domestic violence, self-harm, family disputes, unreasonable restrictions e.g. withdrawal from education or “house arrest”) or missing persons within the family).
- Advise them not to travel overseas. Discuss the difficulties they may face.
- Identify any potential criminal offences and refer to the police if appropriate.
- Give them advice on what service or support they should expect and from whom.
- Ensure that they have the contact details for the trained specialist.
- Maintain a full record of the decisions made and the reason for those decisions.
- Information from case files and database files should be kept strictly confidential and preferably be restricted to named members of staff only.
- Where appropriate, refer them, with their consent, to appropriate local and national support groups, counselling services and women’s groups that have a history of working with survivors of domestic abuse and forced marriage.

## **Remember:**

- Circumstances may be more complex if the young person is lesbian, gay, bisexual or transgender.
- British Embassies and High Commissions can only help British nationals or, in certain circumstances EU or Commonwealth nationals. This means that if a non-British national leaves the UK to be forced into marriage overseas, the British Embassy or High Commission will not be able to assist them.
- If in doubt, ask the Forced Marriage Unit for advice.

Where a child or young person has been subject to significant harm as a result of forced marriage or honour based violence the LSCB should consider initiating a Serious Case Review, in line with its existing procedures for reviewing serious cases.

These procedures should be read in conjunction with: Kingston's Domestic Violence Guidance, Kingston FGM Procedure, Kingston Information Sharing Guidance, and Children Missing from Home and Care Protocol.

Copies of these documents can be obtained at [www.kingstonlscb.org.uk/information/information\\_for\\_professionals/resources/publications](http://www.kingstonlscb.org.uk/information/information_for_professionals/resources/publications)

## Directory of contacts in Royal Borough of Kingston upon Thames

If you have concerns about a child or young person, you can contact one of the following teams depending on the circumstances. Please note that if the matter is urgent or you are worried that a child may be at risk of significant harm, you should contact the Safeguarding Duty Team immediately.

Organisation name & address	Name	Designation	Telephone / Email or web address
Children's Social Care, Kingston Council		Safeguarding Duty Team (Monday to Thursday, 8.45am – 5.00pm, Friday 8.45am – 4.45pm)	020 8547 5004 <a href="mailto:safeguarding@rbk.kingston.gov.uk">safeguarding@rbk.kingston.gov.uk</a>
Child Abuse Investigation Team	Joanne Belton	Detective Inspector	0208 247 7827 <a href="mailto:Joanne.Belton@met.pnn.police.uk">Joanne.Belton@met.pnn.police.uk</a>
NHS Kingston	Chris Robjohn	Designated Nurse, Child Protection	020 8274 7803 <a href="mailto:Christine.Robjohn@kpct.nhs.uk">Christine.Robjohn@kpct.nhs.uk</a>
NHS Kingston	Sue Curzon-Hope	Named Nurse, Child Protection	020 8274 7805 <a href="mailto:Susan.Curzon-Hope@kpct.nhs.uk">Susan.Curzon-Hope@kpct.nhs.uk</a>
General Practitioners	Ruth Chapman	Child Protection GP Lead	07762 916298 <a href="mailto:ruth.chapman@nhs.net">ruth.chapman@nhs.net</a>
Kingston Hospital	Nader Elgharably	Designated Paediatrician, Child Protection	020 8934 3412 / 2007 <a href="mailto:Nader.Elgharably@kingstonhospital.nhs.uk">Nader.Elgharably@kingstonhospital.nhs.uk</a>
Kingston Hospital	Rebecca Willbond	Safeguarding Midwife	020 8546 7711 ext 3616 <a href="mailto:rebecca.wilbond@kingstonhospital.nhs.uk">rebecca.wilbond@kingstonhospital.nhs.uk</a>
Kingston Council	Kate Leyland / Kelly Shirley	Domestic and sexual violence strategic Co-ordinators	020 8547 5070 / 5040 <a href="mailto:DASV.strategy@rbk.kingston.gov.uk">DASV.strategy@rbk.kingston.gov.uk</a>

Education Services, Kingston Council	Ming Zhang	Education Safeguarding Lead Officer	020 8547 5243 <a href="mailto:ming.zhang@rbk.kingston.gov.uk">ming.zhang@rbk.kingston.gov.uk</a>
Housing Department, Kingston Council		Resettlement Team / Homelessness Assessments Team	020 8547 5003
Metropolitan Police	Jo Keogh	MARAC Co-ordinator / Crisis Intervention Worker	020 8721 5857 <a href="mailto:Jo.Keogh@met.pnn.police.uk">Jo.Keogh@met.pnn.police.uk</a>
Kingston One Stop Shop	Jo Keogh	MARAC Co-ordinator / Crisis Intervention Worker	07917 271549 <a href="mailto:Jo.Keogh@met.pnn.police.uk">Jo.Keogh@met.pnn.police.uk</a>
Integrated Children's Disabled Service	Angela Firth	Service Manager, Disabled Children's Social Care Team	020 8547 6595 <a href="mailto:angela.firth@rbk.kingston.gov.uk">angela.firth@rbk.kingston.gov.uk</a>
Counselling Services, Kingston Women's Centre			020 8541 1964 / 1941 <a href="mailto:kwc@copperstream.co.uk">kwc@copperstream.co.uk</a>
Free counselling for under 11-25s at Kingston Relate			020 8549 3318 <a href="mailto:counselling@relatekh.org">counselling@relatekh.org</a>
KU19 – sexual health and relationship service for under 19s			020 8549 6323 Text. 07781 488 019 <a href="mailto:kU19@kpct.nhs.uk">kU19@kpct.nhs.uk</a>
Victim Support Kingston		Independent domestic violence advocate (IDVA)	020 8547 3202
Eaves Housing Scarlett centre – advice and support			020 7840 7142 <a href="http://www.Eaves4women.co.uk">www.Eaves4women.co.uk</a>
Islamic Resource centre		Rukhasana Hanjra	020 8549 5499 <a href="mailto:lrc59@hotmail.com">lrc59@hotmail.com</a>

## Useful Resources

- Forced Marriage And Learning Disabilities: Multi-Agency Practice Guidelines, Foreign and Commonwealth Office 2010  
<http://www.fco.gov.uk/resources/en/pdf/travel-living-abroad/when-things-go-wrong/fm-disabilityguidelines>
- London Child Protection Procedures, 4<sup>th</sup> Edition (April 2011)  
<http://www.londonscb.gov.uk/procedures/>
- Working Together to Safeguard Children 2010  
<https://www.education.gov.uk/publications/eOrderingDownload/00305-2010DOM-EN.pdf>
- Guide to domestic abuse services in Kingston  
[http://www.kingston.gov.uk/domestic\\_violence/guidance\\_for\\_professionals.htm](http://www.kingston.gov.uk/domestic_violence/guidance_for_professionals.htm)
- NASUWT Forced Marriage Guidance: Guidance for Schools  
[http://www.nasuwt.org.uk/consum/groups/public/@education/documents/nas\\_download/nasuwt\\_005482.pdf](http://www.nasuwt.org.uk/consum/groups/public/@education/documents/nas_download/nasuwt_005482.pdf)