



WARRINGTON SAFEGUARDING CHILDREN BOARD

**YOUNG PEOPLE FACING FORCED MARRIAGE –  
MULTIAGENCY PROTOCOL**

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This policy/procedure/protocol has been agreed by the Warrington Safeguarding Children Board and replaces previous procedures and protocols

Date Agreed:

Signed.....

Chair, Policy & Practice Group

Warrington Safeguarding Children Board

Date to be reviewed: January 2010

**January 2007**

## **YOUNG PEOPLE FACING FORCED MARRIAGE – MULTI-AGENCY PROTOCOL**

### **1. POLICY**

- 1.1 The policy is based on “Young people and vulnerable adults facing forced marriage: practice guidance for social workers”, issued in March 2004 by the Foreign and Commonwealth Office, The Association of Directors of Social Services, the Home Office, the Department for Education and skills, and the Department of Health. It was compiled through consultation at local level and from relevant guidance and information from many sources.
- 1.2 Warrington Safeguarding Children Board (WSCB) recognises that the tradition of arranged marriages has successfully operated across many different cultures, classes, religions and communities for a very long period of time. An arranged marriage allows the young person to choose whether or not they will accept the arrangements proposed by the families of both spouses. Freely given consent is a prerequisite of Christian, Jewish, Hindu, Muslim and Sikh marriages.
- 1.3 This policy therefore relates to marriages where one or both spouses do not consent to the marriage and some element of duress or coercion is involved. The elements of duress or coercion may be experienced through direct physical threat and/or actual physical abuse. Sexual assault or rape in the forced or non-consensual consummation of the marriage and through the exertion of emotional pressure and ill treatment that leads to an avoidable deterioration in the young person’s emotional, psychological, or mental wellbeing.
- 1.4 WSCB recognises that forced marriage is primarily, but not exclusively, an issue of violence against women. Most cases involve young women and girls between 13 and 30 years, although some 15% of cases involve male victims.
- 1.5 It is the aim of the policy to ensure as far as possible that all young people coming to the attention of the partner agencies and who are facing a forced marriage, will receive a service that will keep them safe. Their right to choose whether they will consent to the arrangements being made for them will be protected and support them while they make their

choice on how to proceed. In the case of a young person under the age of 18 years, Children's Social Care will carry out a core assessment and where appropriate a section 47 investigation to ensure that the young person has not been abused or will not suffer abuse.

- 1.6 The Marriage Act 1949 and the Matrimonial Causes Act 1973 govern the law on Marriage in England and Wales. The minimum age of consent under these acts is 16 years of age. Under the Matrimonial Causes Act 1973 section 12c, a marriage is not valid if the parties have not freely consented to it taking place or were under duress when the ceremony took place. Where a young person or vulnerable adult does not have the mental capacity to consent then this also constitutes a null and void reason and the marriage will be considered invalid.
- 1.7 In the perpetration of a forced marriage, other possible offences may include threatening behaviour, assault, kidnap, abduction, imprisonment and murder. Sexual intercourse without consent is rape, and where mental health incapacity is an issue the young person may be unable to consent to the consummation of the marriage and this may constitute an offence under the Sexual Offences Act 2003
- 1.8 Where it is believed that abuse has taken place and/or a criminal act has been carried out then the police public protection unit will be contacted for a strategy discussion/meeting to take place and a safeguarding plan will be put into place. The police will carry out an investigation along side Children's Social Care

## **2 Procedure for Young People**

- 2.1 Forced marriage has many parallels with domestic abuse and child abuse. For many young people, bringing their fears out into the open is a last resort, and has usually followed all attempts to resolve their situation within the family system. By turning to a teacher, doctor, nurse, social worker or police officer, the young person has usually reached a decision that they cannot manage the situation on their own and require a professional response to ensure their safety and welfare.
- 2.2 By taking such a course of action the young person will be aware of the consequences for themselves and their family within the community. In some cases this will be seen as bringing shame or dishonour to the family and may lead to social ostracism and harassment from the family and community. The needs of the victims of forced marriage will vary widely. Young people may be in need of safeguarding in cases where the risk to their physical safety is high. They may need help avoiding a threatened forced marriage or they may need help in dealing with the consequences of a marriage that has already taken place.

2.3 Cases may present with a variety of problems such as self-harm, truancy, offending or a young person reported missing from home. Agencies should be aware of the issue of forced marriage and be sensitive that the presenting problem may mask an underlying difficulty or a forced marriage situation.

**Whatever a young person's circumstances, they have rights that should always be considered, including:**

- The young person's wishes
- Personal safety and the level of risk to the young person
- Confidentiality
- Accurate information about rights and choices

### **3 The role of Children's Social Care**

3.1 Children's Social Care has a duty to investigate allegations of abuse and the forced marriage guidance gives Social Care the lead responsibility in investigating allegations of forced marriage. If an offence is thought to have been committed they will work with the police.

3.2 Social workers will be trained to carry out risk assessments on young people and their situation, and will give serious consideration to the risks a young person may face if their family become aware that they have sought statutory help or assistance. It is essential that no young person is returned home without a risk assessment being completed and in many cases it will not be in the young person's interest to remain within the family system.

3.3 Where there is a disclosure or suspicion that a young person will be subjected to a forced marriage, or that a forced marriage has taken place a referral must be made to Children's Social Care under the forced marriage protocol. Young people who are assessed as being at risk of harm or where abuse has taken place will be subject to a multi-agency strategy meeting under Safeguarding Procedures. Other young people will be subject to a core assessment as a child in need.

3.4 Children's social care and the police public protection unit will be responsible for responding to the referral and will carry out the investigation. Appropriate arrangements should be made to ensure the young person's confidentiality and safety is secure in terms of location. The Safeguarding Manager will chair the strategy meeting other agencies that may be invited, include:

- The school or college
- The fostering team/vulnerable tenants officer
- Referrer
- Advocate or support organisation

- Education Welfare Officer
- CPS
- The young person
- Police
- The Refuge
- Connexions

The following issues will be discussed at the meeting to aid the planning process:

- Risk assessment
- Identify siblings who may also be at risk
- Venue for ongoing work/interviews
- Link to support systems
- Confidentiality
- Keeping records secure and restricting access to electronic records
- Practical arrangements – keys, money, passport, mobile phone
- Safety advice
- How to communicate safely
- Education
- A secure placement – not within the victim's own community
- Plan for independence
- Identify a key worker
- Nationality – especially where dual nationality is an issue
- Contact agencies in the country where the young person may be taken to or have been married in ( The Foreign and Commonwealth Office can assist with these contacts)

3.5 Where it is decided that significant harm has occurred a case conference will be called. In cases of serious, immediate risk an appropriate court order or police protection should be sought to ensure the protection of the young person. Under the Children Act 1989, these will include the use of an Emergency Protection Order, An Interim Care Order or the exercise of a Police Protection Order. Sometimes it may include the accommodation of a young person under section 20 of the Children Act 1989 or the young person applying for Wardship, if appropriate to prevent them being removed from the jurisdiction of the court. When applying for an order the issue of no contact must be argued and where the risk is assessed as high and immediate. The address of the young person may be withheld from the family in order to protect the young person.

3.6 The young person will be given contact details of local and national groups offering support for people in their position as well as counselling organisations.

- 3.7 It is unlikely that Children's Social Care will be able to meet all of the needs of a young person facing a forced marriage and it is essential that a multi-agency approach be used.

## **4 The Role of the Police**

- 4.1 As joint partners the police public protection unit will have an immediate role in terms of the joint investigation to be carried out. They will assist in gathering information on the family and the young person and may have previous records relating to other siblings or family members that will enable the analysis of the risk assessment to be more effective. They will assist in the immediate protection of a young person through the exercise of Police Protection where appropriate.
- 4.2 Where a criminal offence has been alleged to have been carried out the police officer will pursue the criminal investigation and report back to the strategy meeting on the outcome of this. The police officer will participate in the discussions taking place regarding the safeguarding plan, however the final decision on the care/safeguarding plan will be the responsibility of a senior manager in Children's Social Care who will ensure the young person has been consulted and agrees with the resulting plan.

## **5 The role of schools and colleges**

- 5.1 Most young people are in school or college and seen on a regular basis. Young people are mostly likely to disclose their concerns to a trusted adult and this may be the teacher, education welfare officer, school health adviser or Connexions personal adviser. A teacher may become concerned that a young person is experiencing difficulties at home and that the issue of forced marriage is present. The designated senior person for child protection the school or college will be contacted by the concerned professional who will then exercise their responsibility of making a referral to Children's Social Care.
- 5.2 The designated teacher will participate in the strategy meetings and provide any relevant information required to complete the risk assessment. The school will identify learning needs and assist in the care planning around educational needs. The designated senior person for child protection will ensure that any records of the assessment are secure including information that may be stored electronically and that no information is given out to the family, friends or community.

## **6 The role of Health Authorities and Trusts**

- 6.1 Young People may come to the attention of health professionals through a variety of settings. These may include school health advice, health visitors, GPs, teenage pregnancy units, the youth advice shop and midwives. All health professionals dealing with under age sexual activity, domestic abuse or young people who are distressed and self-harming should be sensitive to issues of forced marriage.
- 6.2 All Primary Care Trusts and Hospital Trusts will have a lead person responsible for safeguarding matters who will be the contact person if you have concerns about a young person with forced marriage issues.
- 6.3 The designated nurse or doctor will attend the strategy meeting following a referral and will participate in the risk assessment process. Where necessary they will arrange for a medical or treatment for the young person when it is thought to be in their best interest. They will report back to the strategy meeting any information that is relevant.
- 6.4 The designated nurse or doctor will participate in the safeguarding/care planning process ensuring that medical services are alerted to the young person needs when moving into a new area.

## **7 The role of the Housing Department and the Benefits Agency**

- 7.1 As part of the joint investigation housing may have useful information on the family that will assist in the risk assessment and care/safeguarding planning. Where a young person is of age they will be able to assist in providing suitable accommodation and ensure the young person has priority in the housing allocation system under the Homelessness (Priority Need for Accommodation – England) Order 2002
- 7.2 Where applicable a representative from housing will attend the strategy meeting to contribute to the risk assessment process and advise on the housing situation. With older young people they will refer them to a safe area for housing, ensuring that all records of the placement are kept secure and are not made available to the family or community particularly electronic records.

**In all cases of forced marriage only those agencies who need to be included should be made aware of the situation, and only those professionals or managers who have dedicated responsibility for safeguarding should be included in the process. All records must be kept secure and confidential as workers from the young person's family or community may be employed by one of the agencies involved and have access to sensitive information.**

## 8 The role of the Foreign and Commonwealth Office

8.1 The Foreign and Commonwealth Office have developed expertise in forced marriages, they offer advice and assistance to young people who fear:

- They may be forced into marriage
- Who fear for a friend who has been taken overseas and may be forced into a marriage
- Who have already been forced to marry and do not want to support their spouse's visa application.

8.2 The community liaison unit is part of the F&CO and as well as providing services to young people they will also assist Children's Services as follows:

- Co-ordinating with Embassies and British High Commissions
- Accessing overseas non-governmental organisations
- Accessing police services
- Providing consular protection through overseas Embassies and High Commissions
- Providing information about existing networks within the UK, including social care, police and non governmental organisations

### Contact Details:

The forced Marriage Unit  
From 9am – 5pm  
020 7008 0135/0230/8706

Out of hours  
020 7008 1500  
ask to speak to the Foreign  
and Commonwealth Office  
Response Centre

## 9 Multi-agency Training

9.1 Warrington Safeguarding Children Board will raise awareness on forced marriage issues and will provide training to relevant agencies to improve practice and promote multi-agency co-operation whilst respecting cultural issues.

# GUIDANCE

## Definitions or Forced Marriage

Forced Marriage is defined as a marriage contracted without the free and valid consent of one or both parties. It is different from marriage where there is free and valid consent from both parties. A marriage becomes forced if there is any duress whether physical or mental, to marry without free and valid consent.

(“A Choice by Right”: Report of the working group on Forced Marriage. Home Office. June 2000)

Forced Marriage is an issue, which is often misunderstood and misrepresented. In particular there is sometimes confusion between arranged and forced marriage. The distinction between arranged and forced marriage is however clear and lies in the right to choose.

### Continuum for Arranged Marriage

- ◆ Parent/s start to think about their child getting married.
- ◆ Parent/s begin to talk about their child’s marriage, perhaps suggesting or looking for potential partners.
- ◆ The topic of marriage is freely discussed, resulting in a mutual acceptance or rejection of ideas and options
- ◆ An Agreement to marry is made. Whilst the families of those who are marrying are involved in the process, the final decision is with those who are to be married. Arranged marriage takes place.

### Continuum for Forced Marriage

- ◆ Marriage is discussed, but with no mutual acceptance or rejection of ideas.
- ◆ There is pressure to marry, which may take the form of emotional blackmail or appeals to conform to traditional family values.
- ◆ Demands to accept a marriage proposal are accompanied by physical, mental and/or emotional pressure and violence.
- ◆ The people concerned are manoeuvred into going through the marriage ceremony against their will.

## Warning Signs

Forced Marriage is a hidden problem, but one which can have significant impact. Cases of forced marriage may present themselves as or within other problems. The following behaviours may well be indicators of forced marriage:

- ◆ Appointments are often missed
- ◆ The young person appears frightened, excessively anxious or depressed
- ◆ The young person is always accompanied when attending a consultation
- ◆ Any injuries are inconsistent with the explanation of the cause of the accident
- ◆ Secretly changing between Western and Traditional style dress
- ◆ Worsening academic performance where it has been good.
- ◆ Absence, poor attendance and/or truancy at school, college, or work
- ◆ Loss of aspirations and motivation – “What’s the point?”
- ◆ Conflict between parents and child about continuing with GCSEs and “A” levels
- ◆ Excessive restrictions – accompanied all the time, never being left alone
- ◆ Family commitments overseas
- ◆ History of older siblings leaving education early and/or marrying early
- ◆ Depression
- ◆ Self harm
- ◆ Eating Disorders
- ◆ Regular visits to the GP with no obvious illness or reason
- ◆ Attempted suicide

## **Guidelines if a Young Person Discloses to You**

### **Upon disclosure**

- See the individual immediately in a secure and private place
- See the young person alone even if they attend with others
- Arrange for an appropriate interpreting service if English is not spoken by the young person
- Establish a way of contacting them discreetly in the future, arrange a password.
- Establish whether there is another family member at risk of forced marriage
- Provide reassurance that this situation is not their fault
- Inform the young person of their legal rights:
  - A young person under 18 is entitled to see a solicitor and is eligible for legal aid.

Young people under 17 can apply to the court in their own right to become a ward of court, if they fear being physically taken out of the jurisdiction of that court

- Inform the young person that this information must be shared with the relevant agencies, but that these agencies will respect their wish for confidentiality.

**You must now consult with the Lead Professional for Safeguarding in your organisation who must then refer to Children's Social Care. A strategy meeting will be organised to formulate plans to protect the young person.**

It will be very unlikely that any single agency will be able to meet all the needs of a young person who is at risk; instead it is essential to use a multi-agency approach.

How you advise and support a victim of forced marriage will also vary greatly according to their circumstances.

### **DO NOT**

- Send the young person away in the belief that it is not your responsibility.
- Approach the family or friends, unless the young person asks you to do so.
- Send the young person back to their family without their agreement.
- Attempt to be a mediator
- Contact Community Leaders unless requested to do so by the young person

NB. Consider carefully whether any actions you agree to with the young person will put them at risk of immediate harm if family, friends or community leaders discover the content of the disclosure made to you. It may be necessary for you to refuse to approach family or community leaders if you are unsure of the risks. Explain your position to the young person and advise against it.

### **What Children's Social Care will do:**

On receipt of a referral about suspected Forced Marriage the duty team will initiate information gathering about the young person and their family. This will be done confidentially in order to protect the young person. A strategy meeting will be held within one working day, those attending will contribute to the assessment and safeguarding plan. The young person will be invited to the meeting so they can contribute to the process. **Their parents will not be invited or told of the meeting as it may put the young person at risk.**

Records of activity, the assessment and the plan need to be protected and secure as family, friends or members of the community may be part of the work force who have access to records. It is vitally important that young people feel confident that personal details are confidential and will not be leaked.

A section 47 enquiry will be completed to aid the planning process. If there are immediate risks to the young person or their sibling being removed from the country immanently then it will be necessary to approach the court for an order to protect the young person. If an order is granted the parents should then be informed but the whereabouts of the young person not disclosed to them.

Arrangements should be made to place the young person outside the authority boundary so that the chance of discovery is reduced. **Note** that placement with extended family is not an option in the case of suspected forced marriage. Careful consideration will need to be made regarding contact between the young person and their family.