



HM Government

The Right to Choose:

Multi-agency statutory
guidance for dealing with
forced marriage

and

Multi-agency practice
guidelines: Handling cases of
forced marriage

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Multi-agency statutory guidance for dealing with forced marriage

I. The status and purpose of this document

Forced marriage is a crime¹. It is a form of abuse directed towards a child or vulnerable adult, including adults who are forced into marriage against their free will.

Ignoring the needs of victims should never be an option. Forced marriage affects people from many communities and cultures, so cases should always be addressed using all existing structures, policies and procedures designed to safeguard children and adults with care and support needs, including victims who may be trafficked, enslaved or are victims of domestic abuse, for example, and who are forced to marry someone against their will.

This guidance is issued as statutory guidance under section 63Q(1) of the Family Law Act 1996 (the 1996 Act).² Section 63Q of the Act states:

1. The Secretary of State may from time to time prepare and publish guidance to such descriptions of a person as the Secretary of State considers appropriate about –
 - a. the effect of this Part or any provision of this Part; or
 - b. other matters relating to forced marriages.
2. A person exercising public functions to whom guidance is given under this section must have regard to it in the exercise of those functions.
3. Nothing in this section permits the Secretary of State to give guidance to any court or tribunal.

As statutory guidance issued under section 63Q of the 1996 Act, a person exercising public functions to whom the guidance is given must have regard to it in the exercise of those functions. This means that a person to whom the guidance is given must take the guidance into account and, if they decide to depart from it, must have clear reasons for doing so.

All Chief Executives, Directors and Senior Managers should strongly recommend that their staff consult the multi-agency practice guidelines on forced marriage, which can be found on page 25.

Existing strategic bodies also need to ensure that their member agencies work effectively, using agreed policies and procedures to address this issue. This includes, but is not limited to, local authorities, local councils, community safety partnerships, local strategic partnerships, local safeguarding partners, regional Safeguarding Children Boards and Safeguarding Adults Boards in Wales, children's trusts, multi-agency risk assessment conferences, learning disability partnership boards, local criminal justice boards, local family justice councils and Multi-Agency Adult Protection Management Committees. This is not necessarily a complete list and will cover other

¹ [Anti-social Behaviour, Crime and Policing Act 2014 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2014/12/section/101)

² As amended by the Forced Marriage (Civil Protection) Act 2007.

organisations who have a responsibility to protect children, vulnerable adults and other such victims of trafficking, slavery or domestic abuse, for example.

Aims

This document sets out the duties and responsibilities of agencies with the aim of protecting children and adults facing forced marriage. It does not attempt to replicate existing safeguarding guidance but should form part of all the existing child and adult protection structures, policies and procedures.

The document highlights specific arrangements that may inadvertently place a victim at risk of harm. These include failure to share information appropriately between agencies, the involvement of families, breaches of confidentiality and all forms of family counselling, mediation, arbitration and reconciliation.

Purpose

This guidance is targeted at Chief Executives, Directors and Senior Managers of persons and bodies to whom the guidance is given, or of third parties exercising public functions on behalf of those persons or bodies. It outlines their responsibilities concerning the development and maintenance of local procedures and practice arrangements to enable their front-line professionals to handle cases of forced marriage effectively. It sets out how cases of forced marriage should be responded to using existing frameworks for safeguarding children with or without learning disabilities, and how to protect all adults including those with learning disabilities or other support needs, from the range of abuses associated with forced marriage.

The multi-agency statutory guidance also covers issues such as staff training, developing inter-agency policies and procedures, raising awareness and developing prevention programmes through outreach work.

Frontline professionals handling cases of forced marriage are strongly recommended to consult the multi-agency practice guidelines found on page 25.

Audience

This multi-agency statutory guidance is given to all persons and bodies in England and Wales who exercise public functions in relation to safeguarding and promoting the welfare of children. Such persons and bodies include, but are not limited to, local authorities, NHS organisations, Police and Crime Commissioners (PCCs) and Chief Officers of police and relevant partners of the Safeguarding Children Boards in Wales. This guidance is also given to the Children and Family Court Advisory and Support Service (established under section 11 of the Criminal Justice and Courts Services Act 2000) and safeguarding partners (established under section 16E section 31 of the Children Act 2004)³.

³ As amended by the Children and Social Work Act 2017.

This guidance also applies to all persons and bodies in England and Wales who exercise public functions to protect vulnerable adults or those with support needs from abuse. Examples of these bodies may include but are not limited to PCCs and Chief Officers of police, and NHS organisations. They may also include key elements of local authorities and/or district councils, in particular adult social care services, NHS organisations, primary care trusts and local health boards and relevant partners of safeguarding adults boards in Wales.

Definitions

For the purpose of this guidance, the following definitions are used:

Adult

'Adult' is defined as a person aged 18 years or over.

Child, children and young people

As defined in the Children Acts 1989 and 2004 and the Social Services and Well-being (Wales) Act 2014. 'Child' means a person who has not reached their 18th birthday. This includes young people aged 16 and 17 who are living independently; their status and entitlement to services and protection under the Children Act 1989 are not altered by the fact that they are living independently.

Child in need

Children who are defined as being "in need" under s.17 Children Act 1989, are those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development, or their health or development will be significantly impaired, without the provision of services (s.17 (10) Children Act 1989), and those who are disabled. Local authorities have a duty to safeguard and promote the welfare of children in need.

Section 21 of the Social Services and Well-being (Wales) Act 2014 (the 2014 Act) provides for a duty to assess the needs of a child for care and support.⁴ The 2014 Act sets out the duties of a local authority in meeting needs for care and support, or support in the case of a carer, following an assessment. Further details can be found in the 2014 Act.⁵

Domestic abuse

The statutory definition of domestic abuse covers any incident or pattern of violence or abuse between those aged 16 or over who are personally connected to each other. Behaviour is "abusive" if it consists of:

- Physical or sexual abuse;
- Violent or threatening behaviour;
- Controlling or coercive behaviour;
- Economic abuse;
- Psychological, emotional or other abuse.

⁴ Replaced section 17 of the Children Act 1989 in assessing children in need in Wales.

⁵ [Social Services and Well-being \(Wales\) Act 2014 \(legislation.gov.uk\)](https://legislation.gov.uk)

Further information on domestic abuse and the offence of controlling or coercive behaviour can be found in the Controlling or Coercive Behaviour Statutory Guidance Framework⁶ and will also be available in the Domestic Abuse Act statutory guidance (once published).

Forced marriage

A forced marriage is a marriage in which one or both spouses do not consent to the marriage but are coerced into it. Force can include physical, psychological, financial, sexual and emotional pressure. In the cases of vulnerable adults who lack the capacity to consent to marriage, coercion is not required for a marriage to be forced.

Sections 121 and 122 of the Anti-social Behaviour, Crime and Policing Act 2014 state that a person commits an offence under the law in England and Wales if he or she “uses violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage and believes, or ought reasonably to believe, that the conduct may cause the other person to enter into the marriage without free and full consent.”⁷ It also states that forced marriage can be committed if a person lacks capacity, whether or not coercion plays a part. If the person is found guilty on indictment, the maximum penalty is seven years’ imprisonment. The Act also makes it an offence to lure someone overseas for the purpose of forced marriage.

Forced Marriage Protection Order (FMPO)

A FMPO is a civil law measure which can be sought under section 63 of the Family Law Act 1996. The aim of a FMPO is to protect and safeguard a person who has been, or is being, forced into marriage. FMPOs are made by the family courts and can be made in emergency situations so that immediate and enforceable protection can be put in place. This is known as an ex-parte or without notice order as the relevant documents will not have been served on the respondents. A FMPO is unique to each case and contains legally binding prohibitions, restrictions and/or requirements relating to and directions aimed at changing the behaviour of a person or persons who force or attempt to force someone into marriage that they have not consented to. Breach of a FMPO is a criminal offence with a maximum sentence of five years’ imprisonment.

Further information on FMPOs can be found in chapter 16 of the multi-agency practice guidelines or in HM Courts and Tribunals Service (HMCTS) court leaflet (FL701)⁸.

So called ‘honour’-based abuse

The terms ‘honour’ crime, ‘honour’-based abuse and ‘honour’-based violence relate to a variety of offences (mainly but not exclusively against women and girls), including emotional abuse, controlling and coercive behaviour, physical assault, imprisonment and murder, with the victim often being punished by their family or community for undermining what the family or community perceives to be the correct code of behaviour.⁹ Such behaviour is also likely to amount to domestic abuse and

⁶ [Controlling_or_coercive_behaviour_-_statutory_guidance.pdf](#) (publishing.service.gov.uk)

⁷ [Anti-social Behaviour, Crime and Policing Act 2014](#) (legislation.gov.uk)

⁸ [Forced marriage protection orders \(FL701\) - GOV.UK](#) (www.gov.uk)

⁹ Terms for ‘honour’ include ‘izzat’, ‘ghairat’, ‘namus’ and ‘sharam’.

may comprise psychological, emotional and financial abuse, as well as physical abuse.

In transgressing what is perceived to be the correct code of behaviour in the eyes of the family or the community, the victim shows that they have not followed their family's and/or community's rules of behaviour and this is said to be to the 'shame' or 'dishonour' of the family and/or community.

Further information about 'honour'-based abuse can be found on page 31 of the multi-agency practice guidelines.

Learning disability

The term "learning disability" refers to the following long-lasting conditions:

- Impaired intelligence: a significantly reduced ability to understand complex information or learn new skills,
- Impaired social functioning: a reduced ability to cope independently, or
- Long lasting: a condition which started before adulthood (18 years of age) and has a lasting effect.¹⁰

A learning disability is a permanent impairment and not to be confused with learning difficulty or mental illness, which can vary or be temporary, although people with learning disabilities can also experience mental illness. Some healthcare professionals use the term 'learning disability' and 'learning difficulty' interchangeably. However, people with learning disabilities are not one homogenous group. Having a learning disability impacts upon people in a range of different ways and each person should be treated as an individual. Conversely, it is also incorrect to assume that those with capacity will be less vulnerable to forced marriage.

Relevant Third Party

Section 63C of the Family Law Act 1996 provides for three types of applicant who may apply for a FMPO. They are the person who is to be protected by the order, a "relevant third party" or any other person with the permission of the court. A "relevant third party" means a person specified by order of the Lord Chancellor who may apply on behalf of a victim without the leave of the court. Currently, this only extends to local authorities.¹¹

Validity

Some forced marriages will be legally valid and will subsist unless and until an annulment is obtained or a divorce is granted by the court. Others may be legally void on the specific grounds set out in section 11 of the Matrimonial Causes Act 1973. There are strict legal requirements that govern whether a marriage is valid. In England and Wales, this would be covered by the Marriage Act 1949 and the common law. The rules recognising a marriage vary depending on the country in which the marriage took place. When considering the validity of a marriage, particularly a marriage that took place overseas, specialist legal advice should be sought.

¹⁰ [Valuing People - A New Strategy for Learning Disability for the 21st Century - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/valuing-people-a-new-strategy-for-learning-disability-for-the-21st-century)

¹¹ [The Family Law Act 1996 \(Forced Marriage\)\(Relevant Third Party\) Order 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1996/37/section/63C)

Agencies should also be mindful that a marriage is not automatically void because it was found to be a forced marriage.

Other remedies

In addition to the specific remedy in the Family Law Act 1996 (section 63A on FMPOs), there are several other civil and family orders that can be made to protect those threatened with violence, abuse or harm more generally. For children, an application for a Care or Supervision order can be made under the Children Act 1989 by a local authority or the NSPCC. Wardship proceedings may be issued in the High Court, by any person with a 'genuine interest in or relation to the child', the child or a local authority (with the court's permission). When a child is made a 'Ward of court', the High Court can become the legal guardian and hold Parental Responsibility for the child in order to protect and safeguard the child's welfare. Adults can seek an order for protection from harassment or a non-molestation order.

II. Background

A forced marriage is not the same as an arranged marriage. There are clear distinctions between them. In an arranged marriage, the families of both spouses take a leading role in the arrangements, but the choice of whether to go ahead with the marriage remains the decision of the prospective spouses. However, in a forced marriage, one or both spouses do not consent to the marriage but are coerced into it. An arranged marriage can, however, become a forced marriage if there is any form of coercion. Forcing someone to marry against their will can include in some cases physical violence and/or psychological, financial, sexual and emotional pressure. In cases of vulnerable adults who lack the capacity to consent, coercion is not required for a marriage to be forced.

All Chief Executives, Directors and Senior Managers providing services to victims of forced marriage and 'honour'-based abuse need to be aware of the "one chance" rule. That is, their staff may only have one chance to speak to a potential victim, and that chance may be the only opportunity to save a life. This means that all professionals working within statutory agencies need to be aware of their responsibilities and obligations when they encounter forced marriage cases. If the victim is allowed to walk out of the door without support being offered, that one chance might be wasted.

Forced marriage can happen to both women and men, although many of the reported cases involve young women and girls aged between 16 and 25. There is no "typical" victim of forced marriage. They can be over or under 18 years of age, some may have a disability, some may have young children and some may also be spouses from overseas.

To address the increasing scale and extent of forced marriage, the UK Government established the Forced Marriage Unit (FMU) in 2005. The FMU is a joint Home Office and Foreign, Commonwealth and Development Office unit that provides direct assistance to victims, through information and support, as well as undertaking a full and comprehensive programme of outreach activity, raising awareness and providing advice to professionals and communities. This approach aims to ensure that people working with victims are fully informed about how to approach these cases.

Each year, the FMU receives calls in relation to a possible or actual forced marriage in around 1,300 cases on average. Cases are also reported directly to police, children and adult social care services, health, education and voluntary organisations. Unfortunately, many more cases are likely to remain unreported. However, with increased work to raise awareness, it is anticipated that more people will become aware of the support services and the advice available to them.

The majority of cases reported to the FMU to date have been linked in some way with travel to South Asian countries. However there have been numerous cases in recent years involving many other countries across the Middle East, Europe, Africa and North America, amongst others.

Forced marriages also take place here in the UK without any form of overseas element. In a large number of cases, however, forced marriage involves a prospective partner being brought into the UK from overseas or a British national being taken abroad for the purpose of a forced marriage.

Forced marriage of any person, regardless of sex, age, disability, ethnic origin or sexual orientation, is illegal in the UK. Consequently, effective handling of forced marriage and related cases should form part of existing child and adult protection structures, policies and procedures.

For further information on understanding the issues surrounding forced marriage, please refer to chapter 2 of the multi-agency practice guidelines.

Experience has identified that it usually falls to more than one specific agency to meet all of the needs of an individual, or indeed a wide group of individuals, affected by forced marriage. As a result, the aim of this guidance document is to clearly set out why a multi-agency response is critical, but also to re-emphasise how important multi-agency co-operation and closer working are, as part of the overall approach to provide support to, and protect, victims of this practice.

III. Actions for Chief Executives, Directors and Senior Managers to whom this guidance is addressed

Existing strategic bodies also need to ensure that their member agencies work effectively, using agreed policies and procedures to address this issue.

Senior management commitment

Chief Executives, Directors and Senior Managers should ensure that their organisation has:

- a lead person with overall responsibility for safeguarding children and for protecting adults with care and support needs – where possible the same person should lead on forced marriage;
- policies and procedures in place to protect those facing forced marriage. The policies and procedures should be in line with existing statutory and non-statutory guidance on safeguarding children and protecting adults with care and support needs and victims of domestic abuse. These policies and procedures should form part of an overall child/adult protection strategy;
- policies and procedures that are updated regularly to reflect any structural, departmental and legal changes; and
- a named person whose responsibility it is to ensure that cases of forced marriage are handled, monitored and recorded properly.

Roles and responsibilities

Chief Executives, Directors and Senior Managers should ensure that:

- their staff understand their role in protecting people at risk of, or already trapped in, a forced marriage;
- through policies and procedures, their staff are familiar with their duties and responsibilities when protecting individuals threatened with, or already in, a forced marriage;
- their staff know to whom they should refer cases within their organisation and when to refer cases to other agencies; and
- front-line staff dealing with cases of forced marriage have access to, and are advised to consult, the multi-agency practice guidelines issued by the FMU (see page 25 onwards).

Clear lines of accountability

Chief Executives, Directors and Senior Managers should ensure that:

- there is a designated person within the organisation who is accountable for promoting awareness of forced marriage and a designated individual who is responsible for developing and updating all policies and procedures associated with forced marriage. This is likely to be the person with overall responsibility for promoting awareness of, and updating policies and procedures concerning, the protection of children/adults/adults with care and support needs;
- the designated person is, wherever possible, a specialist in domestic abuse, adult protection or child protection with existing experience, expertise and knowledge;
- there is a senior specialist who has undertaken additional training who can be approached to discuss and direct difficult cases; and
- there are clear lines of accountability from the front-line staff to senior management.

Victim-centred approach

Chief Executives, Directors and Senior Managers should ensure that:

- victims are listened to and able to communicate their needs and wishes;
- victims are given accurate information about their rights and choices;
- victims' wishes about the level of intervention they require are respected; and
- staff are aware that relatives, friends, community leaders and neighbours should not be used as interpreters, mediators or advocates – despite any reassurances from this known person. If it is appropriate to use an advocate then an independent advocate is advisable.

Effective inter-agency working and information sharing

Chief Executives, Directors and Senior Managers should ensure that:

- there are policies and procedures in place so that organisations can work effectively together to protect people facing forced marriage. These procedures are set out in existing guidance on safeguarding children and adults with care and support needs;
- these procedures include arrangements for sharing information and arrangements for making referrals, including, where appropriate, with police, social care services, health services and the Forced Marriage Unit;
- staff understand the importance of sharing information with other agencies at the earliest opportunity; and
- staff understand the difference between breaking confidence (involving the family without the individual's consent) and sharing information with other professionals to protect the individual from significant harm.

Local safeguarding partners are likely to take a lead role in developing policies and procedures for inter-agency working and information sharing to protect adults and children from harm.

Confidentiality

A dilemma may occur because someone facing a forced marriage may be concerned that if confidentiality is breached and their family finds out that they have sought help they will be in danger. On the other hand, those facing forced marriage are often already facing significant danger because of domestic or 'honour'-based abuse, rape, imprisonment and/or other acts of threatening or menacing behaviour. Therefore, in order to protect them, it may be necessary to share information with other agencies such as the police.

Consequently, confidentiality and information sharing are extremely important for anyone threatened with, or already in, a forced marriage. Professionals need to be clear about when confidentiality can be promised and when information may need to be shared.

Circumstances sometimes arise where a child, or more probably a young person, explicitly asks a professional not to give information to their parents/guardians or others with some authority over them. Those who are 16 and above are assumed to have capacity to make decisions and their decisions should be respected. However, those under 16 may also have capacity and it is important to try where possible to respect the requests they make.

If a decision is made to disclose information to another person (usually another professional), the professional should seek the consent of the person before the disclosure. Most people will consent to the disclosure if they receive a careful explanation of why the disclosure is to be made and are assured about their safety (e.g. information will not be passed to their family) and about what will happen following such a disclosure. Whether or not the person agrees to the disclosure, they should be told if there is to be disclosure of confidential information.

Chief Executives, Directors and Senior Managers should ensure that:

- staff understand when confidentiality can be promised and when information may need to be shared; and
- all records belonging to individuals facing forced marriage are kept secure to prevent unauthorised access by those within the broader community who may potentially pass on confidential information to a victim's family. Records should only be available to those directly dealing with the case.

Staff training and awareness raising

Chief Executives, Directors and Senior Managers should ensure that:

- suitable training and awareness raising is incorporated into existing training within agencies to ensure that front-line staff are aware of the issue and know how to respond quickly and appropriately to individuals threatened with, or already in, a forced marriage;

- staff receive updates on the issues surrounding forced marriage and ‘honour’-based abuse within their existing training on child/adult protection;
- existing work on equality and community outreach programmes are used to raise general awareness of forced marriage and of the help and support available within the local community.

Signposting existing practice guidelines on forced marriage

Chief Executives, Directors and Senior Managers should ensure that:

- All front-line professionals have access to, and are strongly recommended to consult, the multi-agency practice guidelines issued by the FMU (see pages 25 onwards of this document).

Monitoring and evaluation

Chief Executives, Directors and Senior Managers should ensure that:

- In line with existing safeguarding guidance concerning the safeguarding of children and the protection of adults at risk, the effectiveness of their organisation’s response to forced marriage is monitored and evaluated. This might include collecting information about the number of cases, the sources of referrals, and information about the individual, such as age and gender, together with information about the outcome of the case.

Record keeping

Chief Executives, Directors and Senior Managers should ensure that:

- staff keep clear, concise records of all actions taken and the reasons why particular actions were taken. There should be a recorded agreement of which agency is to undertake each proposed action, together with the outcomes of each action; and
- if no further action is to be taken this is clearly documented together with the reasons.

Risk assessment

Chief Executives, Directors and Senior Managers should ensure that:

- staff within their organisation understand the risks facing victims of forced marriage, their siblings and other family members as well as any actual or suspected boy/girlfriend or partner, including the possibility of ‘honour’-based abuse, murder, kidnap, rape, being held against their will, threats to kill and being abducted overseas;
- staff alleviate these risks by undertaking risk assessments on a case-by-case basis and appropriately managing any risks identified; and
- their organisational risk assessments are evaluated to ensure that they are appropriate for handling cases of forced marriage and recognise the potential risk of harm to victims and professionals.

Multi Agency Public Protection Arrangements (MAPPA)¹² and Multi-Agency Risk Assessment Conferences (MARAC) play a role in managing the significant risk to individuals facing forced marriage. For children in England, the Assessment Framework, which is a standardised approach using a conceptual model to conduct an assessment of a child's individual needs, should be used to assess the risks. For children and adults in Wales responsibilities are set out in the Wales Safeguarding Procedures which explain the legislation and guidance for Wales¹³.

The danger of family counselling, mediation, arbitration and reconciliation

Due to the nature of forced marriage and other forms of 'honour'-based abuse, some of the underlying principles and themes within existing guidance may inadvertently place young people and adults with care and support needs at greater risk of harm. This includes the belief that the best place for them is with their family and the practice of attempting to resolve cases through family counselling, mediation, arbitration and reconciliation.

Chief Executives, Directors and Senior Managers should ensure that:

- staff have adequate training to understand the danger of family counselling, mediation, arbitration and reconciliation;
- staff understand that in cases of forced marriage it is important that agencies do not initiate, encourage or facilitate family counselling, mediation, arbitration or reconciliation. There have been cases of individuals being murdered by their families during mediation. Mediation can also place the individual at risk of further emotional and physical abuse;
- staff are aware that on occasions when an individual insists on meeting with their parents, it should only take place in a safe location, supervised by a trained/specialist professional with an authorised accredited interpreter present (who is not likely to be known by the potential victim or their family), as parents will sometimes threaten the individual in their other language; and
- staff are aware that allowing a victim to have unsupervised contact with their family can be extremely risky. Families may use the opportunity to subject the victim to extreme physical or mental duress or take them overseas regardless of any protective measures that may be in place.

Protecting young people and adults with care and support needs

Young people and adults with care and support needs are particularly vulnerable to forced marriage because they are likely to rely on their families for care, may have communication difficulties and may have fewer opportunities to tell anyone outside their family about what is happening to them.

Sometimes young people and adults with care and support needs have been forced to marry. Some adults with learning disabilities may not have the capacity to consent

¹² [Multi-agency public protection arrangements \(MAPPA\): Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/mappa-guidance)

¹³ [Social care Wales \(safeguarding.wales\)](https://www.safeguarding.wales/)

to marriage. In order to find a spouse, parents may accept a spouse whom they would normally view as unacceptable – such as someone from a lower caste or social group. Sometimes, to ensure a potential spouse is not put off, families may try to hide, downplay or make light of the person's disability. Another motive for forcing young people or adults with care and support needs to marry is to make certain that they will have someone to care for them after their parents have died.

Some young people and adults with care and support needs may be unable to consent to consummate the marriage. Sexual intercourse without consent is a serious offence, for example rape, and there are various offences under the Sexual Offences Act 2003 that might be committed against a person who lacks mental capacity.

Safeguards relating to forced marriage for young people and adults with care and support needs are essentially the same as those for young people and adults without support needs. However, agencies do have a role to play in ensuring they are safeguarded.

Chief Executives, Directors and Senior Managers should ensure that young people and adults with care and support needs receive whatever additional assistance and support they require.

Good practice in relation to this assistance and support includes:

- listening to young people and adults with care and support needs and making sure that they know how to raise concerns – always consider whether a communication specialist is needed if a young person is deaf, is visually impaired or has a communication impairment;
- ensuring young people and adults with care and support needs have access to others outside the family to whom they can turn for help; and
- providing training and raising awareness about forced marriage amongst staff who care for young people and adults with care and support needs.

IV: Specific issues to be considered by agencies working with, or providing services to, children and young people facing forced marriage

Existing multi-agency guidance concerning children and young people

Existing multi-agency statutory and non-statutory guidance on the subject of safeguarding children includes:

- Working Together to Safeguard Children (HM Government, 2018).
- Working Together to Safeguard People: Volume 5 – Handling Individual Cases to Protect Children at Risk (Welsh Government, 2018).
- Wales Safeguarding Procedures
- What To Do If You're Worried A Child Is Being Abused (HM Government, 2015)
- Statutory guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act (HM Government, 2004).
- Safeguarding Disabled Children: A Resource for Local Safeguarding Children Boards (Council for Disabled Children, 2006).
- Children Act 1989 Guidance and regulations volume 1 – Court Orders (2008).

Current guidance sets out the roles and responsibilities of all agencies involved in safeguarding children and the procedures that should be adhered to by all agencies. This guidance includes information about identifying children and young people at risk of harm, discussing concerns, making referrals, undertaking initial assessments and the next steps to take.

The guidance in this chapter does not attempt to replicate existing guidance but seeks to address issues concerning children and young people threatened with, or already in, a forced marriage.

The danger of involving the family and the community

In cases of forced marriage, involving the family and the community may increase the risk of significant harm to the child or young person. The family may deny that the child or young person is being forced to marry and may expedite any travel arrangements and/or bring forward the date of the marriage.

Any discussion and agreement reached between the family and the local authority children's social care department should only be done where it will not place the child or young person at increased risk of significant harm. In cases of forced marriage, discussion with the family, or any type of family involvement, will often place the child or young person at greater risk of harm.

In care proceedings, local authorities are required to demonstrate to the court that they have considered family members and friends as potential carers at each stage of their decision-making. However, in cases of forced marriage, professionals should exercise extreme caution around how they evidence this, considering carefully whether, for example, family group conferences are appropriate in these cases. Family group conferences should not be used in cases where a young person is at risk of forced marriage because of the physical danger and potential emotional manipulation they may experience during this type of session with their parents and other members of their family or community.

There must not be any burden placed on the child or young person to agree to a family conference.

Chief Executives, Directors and Senior Managers should ensure that staff have appropriate training in order to:

- understand the danger of involving the family and the community in cases of forced marriage;
- recognise that they should not approach or involve families if forced marriage is suspected; and
- understand that family group conferences are not normally appropriate in cases of forced marriage because they will often place the child or young person at greater risk of harm.

The assessment framework

The Framework for the Assessment of Children in Need and their Families provides a systematic way of analysing, understanding and recording what is happening to children and young people within their families and the wider context of the community in which they live. This framework assists professionals to decide what support a child and family may need.

The assessment has three main parts:

1. Child's developmental needs
2. Parenting capacity
3. Family and environmental factors

The Assessment Framework may not highlight any problems concerning children and young people facing forced marriage. They often come from families where the parents' capacity to provide safety, emotional warmth and stability is excellent. It is often the case that the children are high achievers at school, have good health, are well integrated into the local community and have good relations with their wider family, and may not necessarily exhibit warning signs that a forced marriage is going to take place.

Professionals working with children and young people facing forced marriage will therefore require additional training in assessing families to identify those where forced marriage may be an issue. In all cases, forced marriage must be responded to as a child protection, and safeguarding, issue.

Chief Executives, Directors and Senior Managers should ensure that:

- Staff have appropriate training to enable them to effectively assess children and young people facing forced marriage using the Assessment Framework.

Safeguarding children and young people from harm by sharing information or to prevent a crime being committed

Although forced marriage is a criminal offence, there are other criminal offences that can also be committed in such cases. Perpetrators – usually parents or family members – may also be prosecuted for offences including fear or provocation of violence, common assault, actual bodily harm, grievous bodily harm, harassment, kidnap, abduction, theft (of passport), threats to kill, false imprisonment and murder. Sexual intercourse without consent is a serious offence, for example rape, regardless of whether or not this occurs within a marriage.

When a local authority children's social care department has a case referred to it that constitutes, or potentially constitutes, a criminal offence against a child, social workers or their managers should always discuss the case with the police at the earliest opportunity.

Where other agencies encounter concerns about a child's welfare that do or may constitute a criminal offence against a child they must consider sharing that information with local authority children's social care or the police in order to protect the child or other children from the risk of significant harm. If a decision is reached not to share information, the reasons must be recorded.

Chief Executives, Directors and Senior Managers should ensure that:

- forced marriage of a child is automatically handled as a child protection issue;
- staff have appropriate training in order to understand the importance of sharing information with other agencies at the earliest opportunity to safeguard children and young people from significant harm or to prevent a crime being committed;
- staff share information promptly when a child or young person is at risk of forced marriage;
- staff provide information to the Forced Marriage Unit (FMU); and
- staff understand the difference between breaking confidence (involving speaking to the child or young person's family without consent) and sharing information with consent, with other appropriate professionals to prevent the child or young person being at risk of significant harm.

Immediate protection

Ideally, professionals should discuss cases of forced marriage with, and seek advice from, a designated professional and/or another statutory agency. However, there may be occasions when immediate emergency action is necessary to protect a child or young person from being forced to marry or from being abducted, for example police protection or emergency protection orders (EPOs). In this case, a strategy discussion should take place as soon as possible after the immediate protection is put in place to plan next steps.

Chief Executives, Directors and Senior Managers should ensure that staff have appropriate training in order to:

- recognise the importance and relevance of immediate protection;
- recognise the risk to other siblings in the household who might also be threatened with, or are already in, a forced marriage;
- understand that under no circumstances is it sufficient to protect a child or young person by removing the alleged perpetrator from the household (as in the significant majority of cases the extended family and wider community are also involved); and
- recognise that 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.

The FMU is always happy to talk to frontline professionals handling cases of forced marriage at any stage in a case. The FMU offers further information and advice on the wide range of tools available to tackle forced marriage, including legal remedies, overseas assistance and how to approach victims. FMU staff may also be able to speak at conferences or run training workshops to teams of frontline professionals.

Call: 020 7008 0151 (Mon-Fri: 09.00-17.00 [UK time])

Email: fmufcdo.gov.uk

Web: www.gov.uk/forced-marriage

Address:
Forced Marriage Unit,
Foreign, Commonwealth & Development
Office,
King Charles Street, London, SW1A 2AH

If you need to contact the FMU outside of these hours, for example to request emergency consular assistance, please telephone the Foreign, Commonwealth & Development Office on 020 7008 5000.

V: Specific issues to be considered by agencies working with, or providing services to, adults with care and support needs

The danger of involving the family and the community

Involving families in cases of forced marriage may increase the risk of serious harm to an individual. The family may deny that the individual is being forced to marry and they may expedite any travel arrangements and bring forward the wedding.

Chief Executives, Directors and Senior Managers should ensure that staff receive the appropriate training in order to:

- understand the danger of involving the family and the community in cases of forced marriage; and
- recognise that discussion with the family or any type of family involvement will often place the adult with care and support needs at greater risk of harm.

Safeguarding adults and those with support needs by sharing information when a crime may have been, or may be, committed

In addition to specific forced marriage offences there are also a number of other offences that may be committed when forcing someone to marry. Perpetrators – usually parents or family members – may also be prosecuted for offences including fear or provocation of violence, common assault, actual bodily harm, grievous bodily harm, harassment, kidnap, abduction, theft (of passport), threats to kill, false imprisonment and murder. Sexual intercourse without consent is a serious sexual offence, for example rape, regardless of whether or not this occurs within a marriage.

Chief Executives, Directors and Senior Managers should ensure that staff receive the appropriate training in order to:

- recognise the importance of sharing information with other agencies at the earliest opportunity; and
- understand the difference between breaking confidence and sharing information with other professionals to prevent an adult with care and support needs being at risk of significant harm.

The Forced Marriage Unit (FMU) is always happy to talk to frontline professionals handling cases of forced marriage at any stage in a case. The FMU offers further information and advice on the wide range of tools available to tackle forced marriage, including legal remedies, overseas assistance and how to approach victims. FMU staff may also be able to speak at conferences or run training workshops to teams of frontline professionals.

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Multi-agency practice guidelines: handling cases of forced marriage

1. The Purpose Of This Document

1.1 Aims

These practice guidelines were originally developed alongside the statutory guidance “The Right to Choose”, which was first issued in 2008 under s63Q(1) of the Family Law Act 1996 (“the Act”)¹⁴. The statutory guidance sets out the responsibilities of Chief Executives, Directors and Senior Managers within agencies involved with handling cases of forced marriage and strongly recommends that their staff consult these guidelines. The statutory guidance can be found at pages 4-24.

The practice guidelines set out in this document seek to provide advice and support to front line practitioners who have responsibilities to safeguard children and protect adults from the abuses associated with forced marriage. Given that someone affected by forced marriage is likely to need the help and support of several agencies, this document seeks to set out a multi-agency response and encourage agencies to cooperate and work together to protect victims.

Forcing someone to marry is a criminal offence. It is child abuse, domestic abuse and a form of violence against women and men; preventing forced marriage should form part of existing child and adult protection structures, policies and procedures.

Each year, the Forced Marriage Unit (FMU) receives calls in relation to a possible or actual forced marriage in around 1,300 cases on average. However, forced marriage remains a hidden practice, with many cases unreported. The topics covered in these guidelines include:

- How to adopt a victim-focused approach
- The risks of family mediation
- The importance of information-sharing
- Venues for interviews
- Future contact and meetings
- Personal safety advice and strategies for leaving home
- Missing persons and young people who run away
- Confidentiality and security of information
- Record-keeping

Where a victim may have a learning disability, the following areas also need to be considered:

- Issues around capacity to consent and the use of the Mental Capacity Act 2005
- Reasons why people with a learning disability are forced into marriage

¹⁴As amended by the Forced Marriage (Civil Protection) Act 2007

- Consequences for the person with a learning disability and (actual or potential) spouse
- Good practice in handling cases
- Ongoing support required if the person cannot live with their family

1.2 Audience

These practice guidelines should be used by all front-line professionals and volunteers within agencies that are responsible for:

- safeguarding children and vulnerable adults from abuse, and
- protecting any adult from abuse.

The information contained within this document may also be relevant to a wide range of non-governmental organisations and voluntary organisations that are working directly with people at risk of forced marriage and/or its consequences.

1.3 Status

These practice guidelines provide further advice and support to front-line professionals. The statutory guidance on forced marriage (see pages 4-24) states that Chief Executives, Directors and Senior Managers within agencies involved with handling cases of forced marriage should strongly recommend that their staff consult these guidelines unless there are good reasons not to do so.

Forced marriage is a criminal offence under Section 121 of the Anti-social Behaviour Crime and Policing Act 2014. It affects people from many communities and cultures, so cases should always be addressed using all existing structures, policies and procedures designed to safeguard children, adults with care and support needs and victims of domestic abuse.

Existing strategic bodies also need to ensure that their member agencies work effectively, using agreed policies and procedures to address this issue.

1.4 Coverage

These practice guidelines extend to practitioners or organisations in England and Wales.

For more information about the Welsh Government's guidance and services and policy and background on violence against women and domestic abuse please visit: [Violence against women and domestic abuse | Sub-topic | GOV.WALES](#)

For more information about the Scottish Government's work to prevent and tackle forced marriage, visit: [Violence against women and girls \(VAWG\): Forced marriage - gov.scot \(www.gov.scot\)](#).

For more information about the Northern Ireland Executive's work on domestic abuse, visit: [Home | Northern Ireland Executive](#)

1.5 Definitions

For definitions of key terms relating to forced marriage, please see the definitions within the statutory guidance (pages 7-9).

2. Understanding The Issues Around Forced Marriage

2.1 Forced marriage and arranged marriage

There is a distinction between a forced marriage and an arranged marriage. In arranged marriages, the families of both spouses take a leading role in arranging the marriage, but the choice of whether to accept the arrangement remains with the prospective spouses. A forced marriage is a marriage in which one or both parties have not personally expressed their full and free consent to the union. An arranged marriage can also become a forced marriage if there is any form of coercion.

Free and full consent is essential to all marriages and it may be the case that only the prospective spouses themselves will know if their consent is fully given and done so freely. Being forced into marriage can include acts of physical violence and/or psychological, financial, sexual and emotional pressure. In the cases of vulnerable adults who lack the capacity to consent to marriage, coercion is not required for a marriage to be forced.

Key Principles:

- **If families have resorted to violence, threats or any other form of coercion as described above to make someone marry, then that person's consent has not been given freely and fully given and it is therefore considered a forced marriage.**
- **Where a person lacks the capacity to consent to marriage, an offence is also capable of being committed by any conduct carried out with the purpose of causing the victim to marry, whether or not it amounts to violence, threats or any other form of coercion.**

2.2 Frequency

Forced marriage can happen to both women and men, but statistics show that it is predominantly women and girls who are victims and that many of the reported cases involve young women and girls aged between 16 and 25. There is no "typical" victim of forced marriage. They are over and under 18 years of age, some may have a disability, some may have young children and some may also be spouses already in the UK and/or from overseas.

The majority of cases reported to the FMU to date have involved South Asian countries, however there have been numerous cases in recent years involving many other countries across the Middle East, Europe, Africa and North America, amongst others. A number of forced marriages also take place here in the UK without any form of overseas element, while a large number involve a prospective partner being brought into the UK from overseas or a British national being taken abroad for the purpose of a forced marriage.

Since 2012, the FMU has given advice or support related to a possible forced marriage in an average of around 1,300 cases each year. Cases are also reported

directly to the police, children's and adult social care services, health, education and voluntary organisations. Unfortunately, many more cases are likely to remain unreported. However, with increased awareness raising, it is anticipated that more people will become aware of the support services and the advice available to them.

2.3 Drivers of forced marriage

Perpetrators who force children or other family members into marriage often try to justify their behaviour as 'protecting' their children, building stronger families and preserving so-called cultural or religious beliefs. When challenged on this practice, they often do not see anything wrong in their approach. However, the act of forcing another person into marriage can never be justified on religious grounds: every major faith condemns the practice of forced marriage and requires full and free consent to marriage to be given.

Perpetrators are often convinced that they are upholding the cultural traditions of their home country, when in fact these practices and values may have long since changed in their countries of origin. There are others who are placed under significant pressure from their extended family to ensure their children or other family members are married. In some instances, an agreement – sometimes tied to land ownership - may have even been made about marriage during the parties' infancy.

Many young people will then go through their entire childhoods with the expectation that they will have to marry someone of their parents' or other family members' choosing. What needs to be communicated to all of those at risk is that forcing someone to marry is a criminal offence and that they have a fundamental human right to be able to choose their future spouse.

Some of the key motives that have been identified are:

- Controlling unwanted sexuality (including perceived promiscuity, or being lesbian, gay, bisexual or transgender) - particularly the behaviour and sexuality of women
- Controlling unwanted behaviour, for example, alcohol and drug use, wearing make-up or behaving in what is perceived to be a "westernised manner"
- Preventing "unsuitable" relationships, for example outside the ethnic, cultural, religious, class or caste group
- Protecting "family honour" (or "izzat", "ghairat", "namus" or "sharam")
- Responding to peer group, community 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 adult with special needs when parents or existing carers are unable to fulfil that role
- Assisting claims for UK residence and citizenship

- Long-standing family commitments

Key Principles:

- **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 denying them the right to choose a marriage partner and enter freely into marriage.**
- **Forced marriage is a form of violence against women and men, domestic abuse, a serious abuse of human rights, and where a minor is involved, child abuse.**

2.4 So called 'honour'-based abuse

The terms 'honour' crime, 'honour'-based abuse and 'honour'-based violence comprise a variety of offences (mainly but not exclusively against women and girls), including forced marriage, female genital mutilation (FGM), controlling and coercive behaviour, physical assault (which can cover practices such as breast ironing/breast flattening), imprisonment and murder where the victim is being punished by their family or community for undermining what they perceive to be the correct code of behaviour.¹⁵ Such behaviour is also likely to amount to domestic abuse. Despite the use of the term 'honour', there is no honour in abuse, and cultural sensitivities should not get in the way of tackling this issue.

In transgressing this code, according to the view of the family or community, the victim shows that they have not followed their family's and/or community's rules of behaviour and this is said to be to the 'shame' or 'dishonour' of the family and/or community. 'Honour'-based abuse can be distinguished from other forms of abuse, as it is often committed with some degree of approval and/or collusion from family and community members. The role of the family and community in perpetrating and condoning abuse means that victims are likely to be experiencing abuse from multiple perpetrators, often not only in the UK.

Survivors of 'honour'-based abuse are often unable to return to their families and communities even after the immediate risk has been removed and, when they do, they risk being further isolated. Migrant women can be particularly vulnerable because their lack of personal networks can leave them alone and without support if entirely removed from their communities.

'Honour'-based abuse can be a trigger for a forced marriage. The family or community may force a person into marriage to control their behaviour and protect perceptions of honour. As with all forms of 'honour'-based abuse, women and girls are the main victims of forced marriage, however there is complexity in the concept of honour. Men may be at heightened risk of forced marriage and 'honour'-based abuse if they identify as LGBT, and women may be perpetrators as well as victims in certain circumstances. There may also be multiple victims, such as siblings who are at risk of forced marriage and 'honour'-based abuse.

¹⁵ Terms for 'honour' include 'izzat', 'ghairat', 'namus' and 'sharam'.

Expectations of how a person should behave are often embedded from a young age. Forced marriage cases can therefore be challenging because a victim may not identify what they have experienced as a forced marriage, impacting the initial stage of identification and the ability of professionals to recognise the victim's needs effectively. Where forced marriage is motivated by perceptions of honour, it is often part of a wider pattern of emotional abuse, identifiable by efforts to control and monitor the victim, such as restrictions of movement, minimised contact with the opposite sex and emotional and physical abuse.

2.5 Additional risks

There is evidence to suggest that there may be factors that increase the risk of someone being forced into marriage, including bereavement within the family. Occasionally, when a parent dies, especially the father, the remaining parent and/or wider family members may feel there is more of an urgency to ensure that the children are married. A similar situation may arise within single parent households or when a step-parent moves in with the family. If an older child (particularly a daughter) refuses to marry then younger female siblings may be forced to marry in order to protect the 'family honour' or to fulfil the original contract. This is also known as becoming the 'replacement bride or groom'.

Women and girls may also face an increased risk of forced marriage if they have disclosed sexual abuse. Her family may feel that this has brought shame on her and that ensuring she is married may be the only way to restore 'honour' to the family. They may also feel that marriage will put a stop to the abuse.

A person may be at a greater risk if they identify as lesbian, gay, bisexual or transgender (LGBT), as their wider family may feel that by forcing the individual into marriage, their sexuality or gender identity will not be questioned. Parents may also do this out of a mistaken belief that this will "cure" their son or daughter of what they perceive to be abnormal sexual practices.

2.6 Victims

Isolation is one of the biggest problems facing victims trapped in, or under the threat of, a forced marriage. They may feel there is nobody they can trust to keep this secret from their family and they have no one to speak to about their situation – some may not be able to communicate in English. These feelings of isolation are similar to those experienced by victims of other forms of domestic and child abuse. It is only rarely that someone will disclose the fear of forced marriage. Consequently, they will often come to the attention of practitioners for behaviour that is consistent with distress.

Young people, particularly girls who are forced to marry, frequently withdraw from education, restricting their educational and personal development. They may feel unable to go against the wishes of their parents or wider family members and may be threatened with disownment if they do. Consequently, they may suffer emotionally, often leading to depression and self-harm. All of these factors can ultimately contribute to impaired social development, limited career and educational opportunities, financial dependence and lifestyle restrictions. Studies have shown that self-harm and suicide

are significantly higher among South Asian women than other groups¹⁶ and contributory factors include lack of self-determination, excessive control, the weight of expectations of the traditional role of women, and anxiety about their marriages. Suicide and self-harm driven by domestic abuse and forced marriage is also a factor, particularly in women from South Asian and other ethnic minority backgrounds.¹⁷

A learning or physical disability or illness may also add to a young person's, or an adult's, vulnerability and may make it more difficult for them to report abuse or to leave an abusive situation. Their care needs may make them entirely dependent on their carers.

2.7 Male victims

Approximately 20% of calls to the FMU relate to male victims. In some cases, both parties in a marriage will be forced into that marriage by family or community members.

Men may be particularly reluctant to seek help because they feel embarrassed or fear they won't be believed. The perception that forced marriage and related abuses only affect women is harmful to men who do need help. Many men feel ashamed about seeing themselves as victims. They may perceive this as weakness or fear being seen as weak by others. They may also feel that they are in the wrong for not wanting to marry, when it is something they are made to believe they should want.

Even when they do seek help, male victims of forced marriage often have difficulty accessing support services, as many organisations dealing with domestic and 'honour'-based abuse only support women.

However, the Government has introduced a new duty (within Part 4 of the Domestic Abuse Act 2021) on Tier 1 Local Authorities to provide support to victims of domestic abuse and their children within safe accommodation, which is fully funded. Under this new duty Tier 1 authorities will be required to work with partners including specialist services to assess the needs and commission the appropriate support for all victims of domestic abuse and their children including male victims.

Men with disabilities are particularly vulnerable to forced marriage, as parents may decide their son needs a wife to care for him.

2.8 LGBT Victims

If an individual is known or suspected to be lesbian, gay, bisexual or transgender this can be a driver for forced marriage. In some cases, families believe this will "cure" the person. In other cases, they are motivated by trying to cover up the person's identity

¹⁶ See, for example, Self-harm in British South Asian Women: psychosocial correlates and strategies for prevention - Husain M, Waheed W, Husain N: *Annals of General Psychiatry* 2006.

¹⁷ See Siddiqui, H. and Patel, M. (2010) 'Safe and Sane: A Model of Intervention on Domestic Violence and Mental Health, Suicide and Self-harm Amongst Black and Minority Ethnic Women', Southall Black Sisters Trust. Online: <https://store.southallblacksisters.org.uk/reports/safe-and-sane-report/>

to avoid shame. This can involve forcing someone to marry a specific person, or more general pressure to marry someone of the opposite sex.

Families may refuse to acknowledge these identities as legitimate and continue to put pressure on the individual to marry. They could be motivated by keeping prior agreements of marriage with family members or securing a visa for the spouse. The intended spouse may be unaware of the victim's LGBT identity or may be held responsible for failing to change it. In many cases, their marriages are harmful to both parties.

LGBT victims may be reluctant to seek support due to the stigma and fear of their identities becoming known more widely. Victims who do seek help might not disclose their sexual orientation or gender identity. They may have conflicting feelings about their own identities, making them particularly vulnerable to emotional pressure to go through with a forced marriage. They could be made to feel that accepting a forced marriage will allow them to lead a "normal life".

2.9 Consequences

Women and girls who are forced to marry may find it very difficult to initiate any action to leave the marriage and may be subjected to repeated rape (sometimes until they become pregnant) and ongoing domestic abuse within the marriage. In some cases they suffer violence and abuse from the extended family, often being forced to undertake all the household chores for the family.

Many girls and young women are withdrawn from education early. Some are taken and left abroad for extended periods, which isolates them from help and support – this limits their choices so that often they will go through with the marriage, seeing this as the only option. Their interrupted education limits their career choices. Even if the woman manages to find work, she may be prevented from taking the job or her earnings may be taken from her. This leads to economic dependence, which makes the possibility of leaving the situation even more difficult. Some may be unable to leave the house unescorted – living virtually under "house arrest".

Victims frequently end up trapped in a relationship marred by physical and sexual abuse. The impact this has on children within the marriage is immense. Children may learn that it is acceptable to be abusive and that violence is an effective way to get what you want. They may learn too that violence is justified, particularly when you are angry with someone. Children experiencing the effects of abuse (which includes witnessing abuse) can be traumatised because experiencing persistent violence undermines a child's emotional security and capacity to meet the demands of everyday life. Children's academic abilities can also be affected. Witnessing violence as a child is often associated with depression, trauma-related symptoms and low self-esteem in adulthood.

Both male and female victims of forced marriage may feel that running away is their only option. For many, especially those from black, minority ethnic and refugee backgrounds, leaving their family can be especially hard. They may have minimal to no experience of life outside the family, so seeking refuge elsewhere may mean they lose their children and support network. For others, finding accommodation for

themselves and their children can also be difficult – especially for those who do not have leave to remain in the UK and therefore do not have recourse to public funds.

Living away from home with minimal support can make a person, particularly a woman, more isolated, which increased the likelihood that they will return to the abusive situation. In addition, leaving their family (or accusing them of a crime, or simply approaching statutory agencies for help) may be seen as bringing shame on their ‘honour’ and on the ‘honour of their family’ in the eyes of the community. This may lead to social ostracism and harassment from the family and community. For many, this is simply not a price they are prepared to pay.

Those who do leave still often live in fear of their own families, as some families may go to considerable lengths to find them and ensure their return. Families have also been known to solicit help from others within the community to find victims who have run away, or involve the police by reporting them missing, or on occasion falsely accuse the victim of a crime, for example theft. Some families have also traced individuals through medical and dental records, bounty hunters, private investigators, local taxi drivers, members of the community and shopkeepers, or through National Insurance numbers, benefit records, and school and college records. Sometimes, having traced them, the family may subject them to further violence, abuse or worse, including murder, claiming it to be a so called ‘honour’ killing.

If a spouse has not been informed that their partner has learning disabilities, it is questionable whether they have given informed consent to the marriage. Questions about informed consent can also arise if the spouse is unaware that they are being married into the role of a full-time carer. The spouse may also be vulnerable to abuse from the family of the person with learning disabilities.

A person with learning disabilities who is forced into marriage could later be abandoned by their spouse. This can create feelings of rejection, stigmatise the person and possibly lead to the loss of a primary carer. This abandonment could be because:

- (a) the spouse was unaware of all of the circumstances of the marriage; and/or
- (b) they simply used the marriage to facilitate an improvement in their immigration status.

2.10 Potential warning signs or indicators

Both men and women facing forced marriage may become anxious, depressed and emotionally withdrawn with low self-esteem. They may come to the attention of practitioners for a variety of reasons, some of which are described in the diagram below. Whilst the factors set out in this diagram may be an indication that someone is facing forced marriage, it should not be assumed that it is a forced marriage simply on the basis that someone presents with one or more of these warning signs. These signs may indicate other types of abuse that will also require a multi-agency response, or in some cases they may indicate other issues.

Below are potential warning signs or indicators. **These indicators are not intended to be an exhaustive list.**

Education

- Absence and persistent absence
- Request for extended leave of 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
- Poor exam results
- Being withdrawn from school by those with parental responsibility
- Removal from a day centre of a person with a physical or learning disability
- Not being allowed to attend extra-curricular activities
- Sudden announcement of engagement to a stranger, either to friends or on social media
- Being prevented from going on to further/higher education

Employment

- Poor performance
- Poor attendance
- Limited career choices
- Not being allowed to attend work trips
- Being unable to work
- Subject to financial control, e.g. confiscation of wages
- Wages being paid into account not belonging to the victim
- Leaving work accompanied
- Unable to be flexible in their working

Family History

- Older 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. being kept at home by parents

Health

- Being accompanied to GP surgery, clinics, maternity and/or mental health appointments
- Self-harm/attempted suicide
- Eating disorders
- Depression/low self-esteem
- Isolation
- Substance misuse
- Unwanted or late pregnancy

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

There have been occasions when women have presented with less common warning signs such as cut or shaved hair as a form of punishment for disobeying or "dishonouring" her family. In some cases, a girl may report that she has been taken to a private practice to be examined to see if she is a virgin. Some women and girls may also have 'hymen repair' procedures carried out in order to prove that they are 'pure' on their wedding night. There have also been reports of women presenting in the NHS with symptoms associated with poisoning. In certain communities, it is considered important that women undergo female genital mutilation (FGM) before being able to marry, which is most often performed during childhood. There have, however, been reports of young girls or young women undergoing FGM just before a forced marriage. FGM has been a specific offence in the UK since 1985 and extraterritorial offences were created in 2003¹⁸ to deter people from taking girls overseas for the purposes of FGM¹⁹. Further changes to FGM legislation were made in 2015, which: introduced a new offence of failing to protect a girl from FGM; extended the reach of extraterritorial offences; introduced lifelong anonymity for victims of FGM; introduced civil FGM Protection Orders; and introduced a mandatory reporting duty for known cases in under 18s.

2.11 Forced to travel overseas

If an individual is taken abroad for the purpose of a forced marriage, it may be their first experience of travelling overseas. The difficulties they may encounter may be numerous, particularly if they want to return to the UK, or seek assistance locally. They may find it impossible to communicate by telephone, email, or social media and may not have direct access to their phone, passport and money. Women and girls in particular may not be allowed to leave the house unescorted. They may not know the address that they are being held at or be able to speak the local language.

Often individuals find themselves in remote areas and even getting to the nearest road can be extremely hazardous. They may not be able to receive the level of assistance they expect from the local police, neighbours, family, friends or taxi drivers, who may seek to return them to their family. Some find themselves subjected to violence or threats of violence.

Even where authorities in the UK are aware of the whereabouts of a British national overseas, it may not be possible to safely contact them or provide suitable support or

¹⁸ The Female Genital Mutilation Act 2003 applies in England, Wales and Northern Ireland (other legislation applies in Scotland).

¹⁹ [Multi-agency statutory guidance on female genital mutilation - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/guidance/multi-agency-statutory-guidance-on-female-genital-mutilation)

assistance to them, including help to return to the UK. It is therefore always advisable to warn victims who are at risk of a forced marriage not to travel overseas.

Laws and attitudes to marriage in other countries can be different to those in the UK. When dealing with cases with an overseas element, care should be taken not to disclose information to any overseas authority (such as the police or immigration) that could place the person in further danger, for example disclosure about previous or current relationships in the UK.

* * * * *

Camille’s story

“I was 16 when my dad took me to Afghanistan. He told me it was to visit my grandfather who was sick but when we got there it was all about marriage. I was told straight away that I was to marry my cousin, Samir, in two weeks’ time; he was my uncle’s eldest son and 7 years older than me. I felt sick and told my dad that I was too young. I wanted to go home, back to school and my friends but he said that it had been decided years ago, there was no negotiating.”

Camille sent a message via WhatsApp to her friend to say what was happening and she told her teacher. The teacher called the Forced Marriage Unit, who referred the case to social services. They arranged for a Forced Marriage Protection Order (FMPO) to be served on her mother in England to ensure Camille’s safe return to the UK. Camille lived with her parents with the FMPO in place. She went on to become a graphic designer, living independently.

* * * * *

2.12 Dual Nationality

Some British nationals may also hold the nationality of another country at the same time; they are considered a dual national. This may include holding a passport or other form of travel document issued by the country of their other nationality.

The Foreign, Commonwealth and Development Office (FCDO) would not normally offer support to a British national in the country of their other nationality (for example a dual US-British national in the USA). But an exception may be considered where an individual is considered vulnerable and the FCDO has humanitarian concerns. This includes cases involving forced marriage. But the help that the FCDO can provide will depend on the circumstances of the case and the country of the other nationality agreeing to it.

Some countries do not recognise dual nationality and are likely to consider, and treat, dual nationals in the country of their other nationality solely on the basis of their non-British nationality.

Key Principles:

- **When asking a court to order the surrender of the passports of a person to prevent them from being taken abroad, ensure that this includes all passports they might hold if they are a dual national. Any queries concerning dual nationality should be addressed to the FMU.**

- **The FMU offers advice to anyone in the UK, regardless of nationality. Overseas, the FCDO can provide consular assistance to British nationals, dual nationals not in countries of their other nationality (except in exceptional circumstances including forced marriage), or in certain circumstances Commonwealth nationals. The FCDO cannot help people of other nationalities overseas, even if they live in the UK or have close connections to the UK. This includes non-British nationals taken from the UK to be forced into marriage overseas.**

2.13 Forced Marriage Unit (FMU)

The FMU is a joint FCDO and Home Office unit. It runs a public helpline that provides confidential advice and support to victims and potential victims of forced marriage, and to practitioners handling cases of actual or potential forced marriage. Caseworkers in the FMU receive training on the cultural, social and emotional issues surrounding forced marriage. The FMU also has a caseworker who leads on cases involving people with learning disabilities.

In the UK, the FMU offers information and support to anyone who is concerned that they may be forced into marriage and can discuss their options with them.

Overseas, the FMU may be able to assist British nationals facing forced marriage abroad by working with the FCDO's network of Embassies, High Commissions and Consulates to help them reach a place of safety and return to the UK if they wish.

The FMU can assist non-British nationals facing forced marriage abroad but only by referring them to local organisations that can help or by advising statutory agencies in the UK.

The unit also works with other government departments, statutory agencies and voluntary organisations to develop effective policy for tackling forced marriage. It runs outreach programmes raising awareness amongst frontline practitioners such as police and social workers across the UK. It also works in partnership with community organisations and voluntary organisations to tackle forced marriage.

The FMU can help those who have already been forced into marriage to explore their options, including assisting those who are being forced to sponsor a spouse's visa for settlement in the UK.

Anyone being forced to sponsor a visa should contact the FMU as soon as possible.

Some cases of forced marriage are brought to the attention of professionals for the first time when a victim is forced to act as a sponsor for their spouse's immigration to the UK. They are frequently reluctant to tell the Home Office (UK Visas and Immigration) that it was a forced marriage because of threats and fear of reprisals from their family. A person whose application to enter the UK as a spouse is refused has a right to be told the reasons why – and the right to appeal against the decision. However, anyone in this situation can contact the FMU to discuss their situation confidentially. They should be encouraged to do this at the earliest possible stage. The FMU will not share information with a visa applicant without explicit consent from the sponsor.

If you believe someone has been forced to sponsor a visa, you can also report this as an immigration crime:

[Report an immigration or border crime - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/organisations/foreign-commonwealth-and-development-office/about-us/immigration-crimes)

The FMU is always happy to talk to frontline professionals handling cases of forced marriage at any stage in a case. It can offer further information and advice on the wide range of tools available to tackle forced marriage, including legal remedies, overseas assistance, and how to approach victims. FMU staff can also speak at conferences or run training workshops for teams of frontline practitioners. Resources, including downloadable leaflets in a range of languages, and posters, can be found at: www.gov.uk/forced-marriage.

Call: 020 7008 0151 **(Monday-Friday: 09.00-17.00 [UK time])**

Call from abroad: 0044 20 7008 0151

Email: fmu@fcdo.gov.uk

Web: www.gov.uk/forced-marriage

Address: Forced Marriage Unit,
Foreign, Commonwealth, & Development Office,
King Charles Street,
London, SW1A 2AH

If you need to contact the FMU outside of these hours, for example to request emergency consular assistance, please telephone the Foreign, Commonwealth & Development Office on 020 7008 5000.

3. General Action To Be Taken In All Cases

Forced marriage cases can involve a variety of complex and sensitive issues that should be handled by a child or adult protection specialist, who, where possible, should also have additional expertise in forced marriage. Statutory guidance on forced marriage (see pages 4-24) states that all organisations should have “a lead person with overall responsibility for safeguarding children and for protecting adults with care and support needs – where possible the same person should lead on forced marriage”.²⁰ Where possible, front line staff should contact this specialist immediately. However, there may be occasions when they will need to gather some information from the person to establish the facts themselves in order to assist the referral.

All professionals working with suspected or actual victims of forced marriage and ‘honour’-based abuse need to be aware of the “one chance” rule. That is, they may only have one opportunity to speak to a victim or potential victim and may possibly only have one chance to save a life. As a result, all professionals working within statutory agencies need to be aware of their responsibilities and obligations when they are faced with forced marriage cases. If the victim is allowed to leave without the appropriate support and advice being offered, that one chance might be wasted.

First steps in all cases:

- Wherever possible, see the victim/potential victim 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 – it is best to use a tool as guided by your specific agency.
- Contact a trained specialist (forced marriage specialist) as soon as possible.
- If the person is under 18 years of age, or aged 18 and under in Wales, refer them to the designated person responsible for safeguarding children and activate local safeguarding procedures. In Wales, if information is received that a child is at risk, this must be reported under the Social Services and Well-being (Wales) Act 2014. Further information on reporting a concern in Wales is set out in the Wales Safeguarding Procedures: [Social care Wales \(safeguarding.wales\)](https://www.wales.gov.uk/docs/socsecwales/about/safeguarding-wales-procedures.pdf)
- If the person is an adult with care and support needs, refer them to the designated person responsible for safeguarding vulnerable adults and activate local safeguarding procedures. In Wales, if information is received that an adult with care and support needs is at risk, this must be reported under the Social Services and Well-being (Wales) Act 2014. Further information on reporting a

²⁰ In schools, this would be the designated person for child protection.

concern in Wales is set out in the Wales Safeguarding Procedures: [Social care Wales \(safeguarding.wales\)](https://www.wales.nhs.uk/sites/default/files/2018/06/Social_care_Wales_safeguarding.wales)

- If an adult discloses to an NHS professional that they are in a forced marriage situation, and states that they don't want any further action taken about it, then, provided they have the capacity to make this request, their rights as a patient would need to be respected and patient confidentiality maintained, with no reports or referrals made. This is the case for rape and domestic abuse too.
- Reassure the victim about confidentiality where appropriate i.e. that practitioners will not inform their family.
- Establish and agree an effective method of contacting the victim discreetly in the future, possibly using a code word to confirm identity.
- Obtain full contact details that can be forwarded to a trained specialist.
- Where appropriate, consider the need for immediate protection and placement away from the family.

Key Principles

- **When referring a case to other agencies, ensure that they are capable of handling the case appropriately. If in doubt, approach other established organisations that work with survivors of domestic abuse and forced marriage and request further advice and support to take it forward.**
- **Circumstances may be more complex if the person identifies as lesbian, gay, bisexual or transgender, so refer to the appropriate organisations.**
- **British Embassies and High Commissions can only provide consular assistance to British nationals, dual nationals not in countries of their other nationality (except in exceptional circumstances including forced marriage), or in certain circumstances Commonwealth nationals. They cannot help people of other nationalities overseas, even if they live in the UK or have close connections to the UK. This includes where a non-British national leaves the UK to be forced into marriage overseas.**
- **If you are still in doubt, please call the Forced Marriage Unit (FMU) for further advice.**

Best Practice

- **Inform the victim of their right to seek legal advice and representation.**
- **If necessary, record any injuries and arrange a medical examination.**
- **Provide personal safety advice.**
- **Develop and agree a safety plan in case they are seen i.e. prepare another reason why you are meeting.**
- **Establish whether there is a family history of forced marriage, e.g. have siblings been forced to marry in the past? Other indicators may also include domestic abuse, self-harm, family disputes, unreasonable restrictions (e.g. withdrawal from education or "house arrest") or missing persons within the family.**

- Advise the victim not to travel overseas and/or discuss the difficulties they may face.
 - Identify any other potential criminal offences that may have been committed and refer to the police if appropriate.
 - Provide advice on the further service or support they should expect and from whom.
 - Ensure that the victim has the contact details for an identified specialist.
 - Maintain a full record of the decisions made and the reasons for those decisions.
 - Information from case files and database files must be kept securely²¹ and should preferably be restricted to named members of staff only.
 - Refer the victim, with their consent if aged 18 or over, to other recognised local and national support groups with a history of working with victims of domestic abuse and forced marriage.
-

Do NOT:

- Send them away.
 - Approach members of their family or the community – unless it involves a victim with a learning disability and you need to work alongside the family in assessing capacity.
 - Share information with anyone without the victim’s express consent, unless it is in a child’s best interest or in the public interest.
 - Breach confidentiality – unless there is an imminent risk of serious harm or threat to the life of the victim, the victim is a child at risk, or it is in the public interest.
 - Attempt to be a mediator or immediately encourage mediation, reconciliation, arbitration or family counselling.
-

²¹ [Guide to Data Protection | ICO](#)

4. Information Required For All Cases

Ideally, all information should be gathered by a police or social services trained specialist. However, there may be occasions when a person is going overseas imminently and as it is an emergency, an education or healthcare professional may need to gather as much information as possible directly from the victim (see page 41 for information on the “one chance” rule). In these cases, the information should be passed on to police, social services and the Forced Marriage Unit (FMU). All information should be stored in accordance with safeguarding children and adults protection policies and procedures.

The case may be reported by a third party or the person under threat - whoever reports the case, you should:

- Obtain details of the person making the report, their contact details, and their relationship with the individual under threat.
- Obtain details of the person under threat including **the following key information to be captured**:
 - Date of report
 - Name of person under threat
 - Nationality
 - Age
 - Date and place of birth
 - Passport details
 - School details
 - Employment details
 - Full details of the allegation
 - Name(s) and address(es) of parents or those with parental responsibility
 - National Insurance number
 - NHS number
 - Driving licence number
- Obtain a list from the person under threat of all those friends and family who can be trusted and their contact details.
- Establish a code word to ensure you are speaking to the right person.
- Establish a way of contacting them discreetly in the future that will not put them at risk of harm.
- Obtain any background information including schools attended, involvement by adult or children's social care, doctors or other health services etc.
- Record details about any threats, abuse or other hostile action against the person, whether reported by the victim or a third party.

- Obtain a recent photograph and any other identifying documents. Document any other distinguishing features such as birthmarks and tattoos etc.
- Establish the nature and level of risk to the safety of the person (e.g. Is she pregnant? Do they have a secret boyfriend or girlfriend? Are they already secretly married?).
- Establish whether there are any other family members at risk of forced marriage or if there is a family history of forced marriage and abuse.
- Obtain any social media handles e.g. Twitter, Facebook, Instagram etc.

If the person at risk is going overseas imminently:

- A photocopy of their passport must be requested for retention. Where possible, encourage the individual to keep details of their passport number, including the place and date of issue.
- Gather as much information as possible about the family – ensure this is gathered discreetly – which needs to include:
 - **Full name and date of birth of the person under threat**
 - **Father's and/or mother's name**
 - **Address where they may be staying overseas and name of the head of this household (if known)**
 - **Potential spouse's name (if known)**
 - **Date of the proposed wedding (if known)**
 - **Name of the potential spouse's father (if known)**
 - **Addresses of the extended family in the UK and overseas**
- Information that only they would be aware of (if the victim is a British national, this may assist any subsequent identity check in case another person of the same age and gender is produced pretending to be them).
- Details of any travel plans and people likely to accompany them.
- Names and addresses of any close relatives remaining in the UK.
- Safe means by which to contact them e.g. a mobile phone.
- Details of a third party that they are in contact with, in case the person contacts them whilst overseas or on their return.
- Estimated return date. Ask that they contact you without fail on their return.
- Written statement by the person explaining that they want the police, adult or children's social care worker, a teacher or another third party to act on their behalf if they do not return by a certain date.

Key Principles:

- **If the family are approached, they may deny that the person is being forced to marry; they may move the individual concerned to another location, or**

they may expedite any travel arrangements and ultimately bring the marriage forward.

- **Share details of the case, including full family history, with the FMU. Encourage the person to get in touch with the FMU. FMU provides advice and support to anyone who has been or fears that they may be forced to marry.**
- **The Data Protection Act and the UK General Data Protection Regulation (the data protection legislation) provide for the circumstances in which personal data may be provided to a third party. The FMU takes its responsibility for data protection very seriously. It will only disclose information to a third party when doing so is in accordance with data protection legislation. Examples of where it may provide information to a third party without consent may include but are not limited to the following: to the police where there is a risk to the victim's life; or to social services where a child or adult without capacity is suffering, or is at risk of significant harm. Information will not be provided to friends, family or other third parties without consent, outside of these provisions. The FMU Privacy Notice describes how the unit processes personal data²².**
- **The person may be a dual national and have two passports or, if they are under 18 years old, they may be listed on their parents' foreign passport.**
- **British Embassies and High Commissions can only provide consular assistance to British nationals or, in certain circumstances Commonwealth nationals. They cannot help people of other nationalities overseas, even if they live in the UK or have close connections to the UK. This includes where a non-British national leaves the UK to be forced into marriage overseas.**

Where overseas travel is unavoidable the following precautions also need to be taken:

- **Encourage the victim to provide contact details to the agency and professional handling their case (where relevant).**
- **Encourage the victim or potential victim to memorise the FMU helpline number (+4420 7008 0151) email address (fmu@fcdo.gov.uk) and if possible the location and telephone number of the nearest British Embassy, Consulate, or British High Commission in the country they are going to. Inform victims that they can also contact the FCDO by phoning +44 207 008 5000 from anywhere in the world 24/7.**
- **If they are not a British national, advise them to contact the FMU, who can provide details of suitable NGOs overseas and the details of the Embassy of their own nationality.**
- **Advise they take a mobile phone that will work overseas and which they can keep hidden. If possible, enter emergency numbers into this phone.**

²² [FCDO and Home Office privacy notice: Forced Marriage Unit \(FMU\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/privacy-notice/forced-marriage-unit-fmu-privacy-notice)

- Advise them to write down emergency numbers and keep them hidden in their luggage.
- Encourage them to provide you with details of a trusted friend/advocate in the UK who they will be keeping in touch with whilst overseas, who will act on their behalf, and whom you can approach if they do not return. Establish contact with the friend or advocate before the person under threat departs and request that the friend or advocate makes a written statement of their support.
- Advise them to take emergency cash for the country of destination, in case problems arise in that country, together with contact details of someone there they can trust to help them.
- Ascertain whether they are dual nationals, as they may have two passports. Remind them about the implications of dual nationality (see page 38).
- Advise them to contact the FMU.

5. Good Practice: Keeping Victims Safe

All professionals working with suspected or actual victims of forced marriage and 'honour'-based abuse need to be aware of the "one chance" rule. That is, they may only have one opportunity to speak to a victim or potential victim and may possibly only have one chance to save a life. As a result, all professionals working within statutory agencies need to be aware of their responsibilities and obligations when they are faced with forced marriage cases. If the victim is allowed to leave without the appropriate support and advice being offered, that one chance might be wasted.

5.1 A victim-centred approach

- Whatever someone's circumstances, they have rights that should always be respected such as their personal safety and the right to receive accurate information about their rights and choices. Professionals should listen to the victim and respect their wishes whenever possible.
- However, there may be times when someone wants to take a course of action that may place them at risk. On these occasions, professionals should explain all the risks and adopt the necessary child or adult protection precautions.
- Young people, especially those aged 16 and 17, can present specific difficulties to agencies as there may be occasions when it is appropriate to use both child and adult protection frameworks. For example, some 16 and 17 year olds may not wish to enter the care system but prefer to access refuge accommodation. Whatever the case, professionals should be led by the wishes of the victim.
- Disclosures of forced marriage should not be dismissed as merely a 'family matter'. For many people, seeking help from an agency is a last resort and therefore all disclosures of forced marriage **must** be taken seriously.

5.2 The danger of involving the family and community

Involving families in cases of forced marriage (i.e. visiting the family to ask them whether they are intending to force their child to marry or writing a letter to the family requesting a meeting about their child's allegation) is dangerous:

- It may increase the risk of serious harm to the victim. Experience shows that the family may not only punish the victim for seeking help, but are also likely to deny that the victim is being forced to marry and could expedite any travel arrangements and bring forward the marriage.
- Relatives, friends, community leaders and neighbours should not be used as interpreters – despite any reassurances from this known person.
- It is important that agencies do not actively initiate, encourage or facilitate family counselling, mediation, arbitration or reconciliation – whether offered by community councils, religious groups, professional groups or others. Mediation can place someone at risk of further emotional and physical abuse.

5.3 Where to hold interviews

- It is likely that the person or complainant will be anxious and distressed.
- The interview should take place in a private and secure part of the building free from interruptions, in accordance with local practices and procedures.
- The room should not be adjacent to the public part of the building, as there have been cases reported of people, particularly women, being forcibly removed by their families.
- They may/may not want to be interviewed by a practitioner of the same gender.
- They may/may not want to be seen by a practitioner from their own community.
- Develop and agree a safety and support plan in case they are seen by someone “hostile” at or near the department, venue or meeting place, for example prepare another reason why they are there.
- If they insist on being accompanied during the interview, for example by a teacher or safeguarding officer or advocate, ensure that the accompanying person understands the full implications of confidentiality, especially in regard to the person’s family.
- For some, an interview may require an authorised accredited interpreter who speaks their dialect. There may be occasions when a communication specialist is needed to support a person who is deaf, visually impaired or has learning disabilities. Consider approaching charities with a history of helping people with mental and physical disabilities.

Do NOT:

- **Use family members, friends, neighbours or those with influence in the community as interpreters – people may feel embarrassed to discuss personal issues in front of them and sensitive information may be passed on to others and place the person in danger.**
 - **Furthermore, such an interpreter may deliberately mislead professionals and/or encourage the person to drop the complaint and submit to their family’s wishes.**
-

5.4 Explaining the options available to people facing forced marriage

If someone fears they may be forced to marry, they have limited choices:

- To leave their family, start a new life and possibly having to remain in hiding.
- To leave their family, start a new life knowing they face a life of ostracism and isolation.
- To leave their family, start a new life and prosecute their family.
- To return to the family and hope the situation can be resolved.
- To seek legal protection.

If someone is already trapped in a forced marriage, they have limited choices:

- To stay in the marriage.
- To flee the marriage, start a new life and possibly having to remain in hiding.
- To flee the marriage, start a new life knowing they face a life of ostracism and isolation.
- To flee the marriage, start a new life and prosecute the family.

These are often very difficult choices to make. There may be a serious risk of harm, especially for women, if they choose to return to the family or stay within the marriage.

To leave and start a new life can make them extremely vulnerable. Their family or spouse may search for them through routes such as housing records, benefit records, National Insurance Numbers, employment records and health records – however, these records can be protected. Other issues such as having young children or younger siblings will affect the options available to them and this may limit their choices further. For many people, prosecuting their family is something they simply will not consider.

If the victim is not a British National, fleeing the marriage and applying to remain in the UK is a complicated process and requires professional immigration advice.

For many victims from overseas, returning to their country of origin is not an option – they may be ostracised, subjected to violence or even killed. These risks should be explained, even if the effect of doing so is to exclude this option.

Many people, especially women, may be extremely frightened by contact with any statutory agency, as they may have been told that the authorities will deport them and/or take their children from them. Professionals need to be extremely sensitive to these fears when dealing with a victim from overseas, even if they have indefinite leave to remain or a right of abode, as they may not be aware of their true immigration position. These circumstances make them particularly vulnerable.

If it is discovered that a person may be in breach of immigration rules (for example if they are an overstayer), remember that they may also be the victim of a crime and be traumatised as a result. The police and safeguarding professionals should always treat victims of crime as victims first and foremost, regardless of immigration status.

Male victims of forced marriage may have difficulty in being taken seriously. If they then wish to leave the family home, refuge accommodation tends to be limited for men so the use of hostels may be the only alternative.

5.5 Future contact and meetings

- Agree where future meetings can take place if the person does not want to meet the practitioner at their office. Consider alternative venues, for example local libraries or cafés - somewhere where they will feel comfortable but where they will not be at risk of being seen by a family member. Establish whether they can be

contacted in confidence at work, at school or through a trusted friend, sibling or another relative or organisation.

- If you are staying in contact using mobile phones, establish whether the person or another family member pays the bill, as the record of calls made may place the person at risk of harm. Make sure you have a code word in place to ensure that you are speaking to the right person.
- If you are using text messages, email or post, make sure that messages cannot be intercepted.
- There may be occasions when a third party is the only link to the person. This situation can arise when a person has been taken overseas.
- If they have moved, do not meet the person at their new address, refuge or friend's house, as you may be followed, and never speak to them in the presence of "friends".

5.6 Assessing Capacity

It may not always be clear whether or not a person has the capacity to consent to marriage. It is essential that the specific sections of these guidelines relating to people with learning disabilities are followed **whether or not** the person has capacity. This is because a person with a learning disability **with** capacity will need more specialised support than someone without a learning disability. Not following the specific guidelines or making assumptions about how the person has reached the decision to marry may in fact put them at increased risk.

Capacity to consent to marriage can be assessed in accordance with the Mental Capacity Act 2005 (see chapter 7 for further detail). It is useful to remember that "In some cases people with learning disabilities may appear to be more able than they are. They may communicate in such a way that masks their disability. Their learning disability may therefore not be taken into consideration and the correct services might not be put into place." (Care Services Improvement Partnership (2007) 'Positive Practice, Positive Outcomes: a handbook for professionals in the criminal justice system working with offenders with learning disabilities.')

Local areas can devise tools for assessing capacity and it may be beneficial to incorporate a multi-agency approach. Suggestions for questions to ask in assessing capacity to marry include:

- What is a husband/wife?
- What is a marriage?
- What is different about being married and unmarried?
- Can the person name body parts including intimate parts of the body?
- Do they know what different body parts are used for?
- Which are sexual or non-sexual parts?
- What might happen when you have sex?
- Who will you live with and where?

5.7 Confidentiality and sharing information safely

A dilemma may occur because someone facing a forced marriage may be concerned that if confidentiality is breached and their family finds out that they have sought help they will be in serious danger. On the other hand, those facing forced marriage are often already facing serious danger because of domestic or 'honour'-based abuse, rape, imprisonment and other crimes. Therefore, in order to protect them it may be necessary to share information with other agencies such as the police.

Consequently, confidentiality and information sharing are extremely important for anyone threatened with, or already in, a forced marriage. Professionals need to be clear about when confidentiality can be promised and when information may need to be shared.

Circumstances sometimes arise where a child, or more probably a young person, explicitly asks a professional not to give information to their parents/guardians or others with some authority over them. Those who are 16 and above are assumed to have capacity to make decisions and their decisions should be respected. However, those under 16 may also have capacity and it is important to try where possible to respect the requests they make.

If a decision is made to disclose information to another person (usually another professional), the professional should seek the consent of the person before the disclosure. Most people will consent to the disclosure if they receive a careful explanation of why the disclosure is to be made and are assured about their safety (e.g. information will not be passed to their family) and about what will happen following such a disclosure. Whether or not the person agrees to the disclosure, they should be told if there is to be disclosure of confidential information.

Consider:

- drawing on existing national information-sharing protocols and procedures concerning child protection and domestic abuse;
- seeking advice from a domestic abuse/safeguarding children/MARAC co-ordinator on how to share information with practitioners from other agencies;
- consulting with other agencies, particularly police and social care;
- consulting existing guidance from the relevant professional bodies or associations; and
- referring them, with their consent, to appropriate local and national support groups, counselling services and (where applicable) women's groups that have a history of working with survivors of domestic abuse and forced marriage.

From time to time, professionals may be asked to make exceptional disclosures, for example to police colleagues or other agencies to assist a criminal investigation. The Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR) provides an exemption from certain requirements of that Act in particular circumstances, including for the purposes of the prevention or detection of crime. This can enable disclosures to be made without the consent of the subject.

This is important as in some cases it may not be possible to obtain someone's consent - for example if they are overseas. Professionals should seek advice from their legal department or data protection officer.

In cases of forced marriage, it is important that agencies work together to help victims; inevitably, this will involve sharing information safely and confidentially. There may be occasions when a professional is not able to obtain someone's consent in order to share sensitive information with other agencies, for example when the person is overseas. In these cases, information should be shared if there is concern that a crime may be committed and you are satisfied that the organisation you are sharing the information with can keep the information secure.

There may be occasions when the person's family members ask a third party, for example a family friend, councillor, MP or someone with influence within the community, to request information from practitioners. The third party may have been given a very plausible reason by the family for needing to know the whereabouts of the person, for example the illness of a close relative, and the third party may unwittingly think they are helping them. These requests are often made by telephone and rely on the person making the request persuading a professional that they are authorised to receive information. **Do not share this information.**

Do NOT:

- **Overlook possible breaches of confidentiality including leaks of information from within your organisation, from records, from interpreters and from communications with external agencies and organisations.**
 - **Share information with members of the person's family, others within their community or members of the public, without the express consent of the person involved.**
 - **Give details of the case to the media without the express consent of the person involved.**
-

5.8 Medical examinations

In some cases, it may be necessary to arrange a medical examination for psychological, emotional or physical illness as part of a protection order which has been obtained; in other cases, a person may require attention to injuries for treatment or evidential purposes. It may **not** be advisable to call or visit a medical practitioner from the local community as this may threaten the security of the victim.

The report of the medical examination, together with records from other agencies and police statements, may provide police with vital evidence in a person's case (especially if they are a spouse from overseas). It is advisable in all cases where injuries are apparent to encourage the person to have those injuries documented for future reference.

An examination of a child or young person should be conducted in accordance with safeguarding children procedures and should normally be carried out by an appropriate professional.

5.9 Making enquiries

There may be occasions when it is necessary to make enquiries about someone, for example if they are being held within the home or have gone missing. In these circumstances, it is important to make discreet enquiries before approaching the family. Care is needed not to reveal that enquiries are related to forced marriage issues. If the fact that the enquiries relate to forced marriage needs to be shared, this should only be shared with professionals who are aware of the need to handle such information appropriately.

Gathering information, in a confidential manner, about the person and the families involved, may be difficult. In general, enquiries should be undertaken by police officers with assistance from social workers.

5.10 If someone is being held overseas, there are risks that may arise if organisations overseas are contacted directly:

- Collusion between overseas organisations, including respected bodies - such as the police or authorities in the country where the person has been taken - and the person's family
- Violence towards the person who is being held and the forced marriage being brought forward in time
- Removal of the person to an unknown destination
- Attempts to assist by overseas agencies/authorities which only further jeopardise the person's safety

In handling these cases, agencies need to liaise closely with the FMU and then gather information about the family discreetly.

5.11 The danger of family counselling, mediation, reconciliation and arbitration

Due to the nature of forced marriage and 'honour'-based abuse, some of the principles and themes within existing safeguarding guidance (which is not specific to 'honour'-based abuse and forced marriage) may inadvertently place those facing forced marriage at greater risk of harm. This includes the principle that the best place for a young person is with their family and the practice of attempting to resolve cases through family counselling, mediation, arbitration and reconciliation.

In cases of forced marriage, it is important that agencies do not actively initiate, encourage or facilitate family counselling, mediation, arbitration or reconciliation – whether offered by community councils, religious groups or professional groups. There have been cases of women being murdered by their families during mediation. Mediation can also place someone at risk of further emotional and physical abuse.

Family group conferences are not normally appropriate in cases of forced marriage because they will often place the child or young person at greater risk of harm.

There may be occasions when someone insists on meeting with their family. Any meetings should take place in a safe location, supervised by a trained/specialist professional with an authorised accredited interpreter present, as families will sometimes threaten the person in their native language.

If someone has left the family home, allowing them to have unsupervised contact with their family may be extremely dangerous. Families may use the opportunity to subject the victim to extreme physical or mental duress or take them overseas regardless of any protective measures that may be in place.

5.12 Personal safety advice and devising a strategy for leaving home

Research shows that leaving home is the most dangerous time for women experiencing domestic abuse and this is often the case when someone flees a forced marriage. Therefore, if someone is planning to leave or the perpetrators suspect they might leave, the person planning to leave should take measures to ensure their safety.

Even if someone is not ready or willing to leave, they should still be advised of their options. They should be helped with safety planning so that they can take measures to protect themselves at home, including making arrangements to leave home in an emergency if necessary.

Refer them, with their consent, to appropriate local and national support groups, counselling services and (where applicable) women's groups that have a history of working with survivors of domestic abuse and forced marriage.

Get the person to think about:

- Who could they go to in an emergency?
- Who would be able to send them money if necessary?
- All the things they may need to start a new life
- The possible finality of this decision and the ongoing lack of contact between them, their family and their extended family

When devising a strategy for someone aged 16 or over to leave home, they should:

- be fully consulted as to their future needs and have their wishes respected;
- consider the risk to themselves and whether they should involve the police;
- open a separate/secret bank or savings account in their name;
- leave copies of important documents such as passport, National Insurance number and birth certificate with police, social care services or a trusted friend;
- leave spare clothing and cash etc. with a trusted friend;
- keep helpline numbers close at hand;
- have a separate/secret phone for urgent phone calls; and

- arrange alternative emergency accommodation should the need arise.

If the person is leaving the family home:

- Complete a safety plan before they leave the family home.
- Arrange for an adult, for example a social worker or specialist domestic violence service worker, to accompany them if they insist on returning to the family home to collect their possessions.
- Arrange for a police officer to escort the social worker/refuge worker and the person to collect their possessions – in order to prevent a potential breach of the peace.
- Ensure an accredited interpreter, who speaks the same dialect as the family, is also present, in case the family makes threats.
- Perform a risk assessment before visiting the family home.
- Advise the victim how their actions may compromise their safety.
- Take precautions to ensure that the person's identity, benefits, and other records are confidential.
- Encourage them to change their bank account details and mobile phone so they cannot be traced.
- Use existing domestic abuse safety measures such as mobile phones and alarms.
- Refer them, with their consent, to appropriate local and national support groups, counselling services and (where applicable) women's groups that have a history of working with survivors of domestic abuse and forced marriage.

Do NOT:

- **Re-house locally unless specifically requested after all the risks of harm have been explained to the person.**
- **Allow them to return to their home unless a risk assessment has been carried out.**
- **Allow a woman to be accompanied by her children when returning to the family home to collect possessions.**

Personal possessions should include:

- Proof of identity (something with a photograph and signature, for example passport or student ID)
- Card, photo-card driving licence or National Insurance number/card
- Benefit books, money, cheque books, bank and credit cards
- Medication and medical card
- Address book, photographs, jewellery and clothing
- Marriage/divorce papers

- Documents relating to immigration status, including all passports (sometimes there are two passports for a dual national)

Ask them if they want anyone to be told that they are safe and well - if so, who? What information do they want given out?

Many people who remain in contact with their families once they have left home continue to be subjected to emotional pressures. This may include stories about the illness or death of parents, relatives or siblings. If such a message is received, police/social services should check the validity of the information if the person wishes but advise against contact with the family.

Sometimes families use organised networks that will track their children. These networks may include family and community members, bounty hunters and taxi drivers, together with people who have access to records such as staff from benefits offices, GP surgeries and local housing authorities. There may be occasions when practitioners unwittingly give confidential information to those searching for the person.

5.13 Missing persons and those who run away

People, especially those under 18, who leave home to escape a forced marriage, or the threat of one, often present specific difficulties for the police and other agencies such as children's social care. Police may feel they should inform families if the young person is found. On occasion, police and children's social care have faced criticism both for failing to share information about a young person who has run away from home and for giving them practical support and protection. Ultimately, however, the first concern should be for the welfare of the young person. When a person is found, the police and other agencies may only inform the family that the person is safe, but not their location and other details.

Someone facing a forced marriage is at risk of significant harm if they are returned to their family. There have been incidents where families have killed the woman or young person after they have been located. In these situations, police and children's social care should feel confident about justifying their actions, because experience shows that if information is shared with their family and friends it may place the person in danger.

Some families go to considerable lengths to find their children who run away and some may use subterfuge to locate and return them. For example, some families may falsely accuse a missing person of a crime (for examples theft) in the expectation that the police will locate the person for them.

There may be occasions when someone's family asks a third party, such as a family friend, councillor, GP, MP or someone with influence in the community to request information from a practitioner. The third party may have been given a very plausible reason by the family for needing to know the whereabouts of the person (for example the illness of a close relative) and the third party may unwittingly think they are helping the victim. These requests are often made by telephone and rely on the person making the request persuading a practitioner that they are authorised to

receive information. **Do not provide this information.** If you are in any doubt about such a request, consult an experienced colleague or manager.

For further information about missing persons and young people who run away refer to the Department of Education publication 'Children who run away or go missing from home or care', 2014.²³ In Wales an 'All Wales Practice Guide, safeguarding children who are missing from home or care' is available for use in conjunction with the Wales Safeguarding procedures.²⁴

Those fleeing a forced marriage or those running away to avoid a forced marriage that has not yet taken place may be reported as missing by their families. The forced marriage aspect of the case may not be apparent when the report is made.

If police locate a young person under the age of 18, social services or the police should interview the young person (before returning them home) to establish whether it is in their best interests to return home.

If the family locate the person, try to interview the person on their own to establish why they left home, the circumstances of their return and what they want to do.

If someone is at risk of being forced into marriage or of other types of abuse, it may not be in their best interests if police or social services disclose information to their family, friends or members of the community. Such disclosure could put them in great danger.

A local authority may provide accommodation for young people between the ages of 16 and 21 if they consider that to do so would safeguard or promote the young person's welfare (section 20(5) Children Act 1989).

Those fleeing a forced marriage, or the threat of one, may need to be relocated with a different local authority, as they may not wish to live in the same area as their family.

A child or young person fleeing a forced marriage, or the threat of one, may not wish to be fostered with a family from their own background or community.

A child or young person might wish to be fostered outside the immediate geographical area.

Do NOT:

- **Inform the family, friends, colleagues or acquaintances as to the whereabouts of the person.**
 - **Disclose information without the express consent of the person, unless the disclosure is to other agencies and is necessary to protect the person.**
-

²³ [Children who run away or go missing from home or care - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

²⁴ [All Wales Practice Guide \(safeguarding.wales\)](http://safeguarding.wales)

5.14 Repatriation

Sometimes the Foreign, Commonwealth & Development Office (FCDO) may ask the police or social care for assistance when a British national is being repatriated to the UK from overseas.

In these cases, the victim may be extremely traumatised and frightened. They may have been held against their will for many months or years. They may have suffered emotional and physical abuse. If a marriage has already taken place, a girl or woman may have been raped. Sometimes they will have risked their life to escape and their family may go to considerable lengths to find them. This makes all victims, particularly women, extremely vulnerable when they return to the UK.

When a British national seeks assistance at a British Embassy or High Commission, the FCDO can try to help them return to the UK, or their country of habitual residence, as soon as possible if appropriate. Unfortunately, due to the urgency of the situation, the FCDO may not be able to give the police or social care much notice of the person's arrival.

The FMU can facilitate a British national's return to the UK by providing emergency travel documents, helping to arrange flights and, where possible, by arranging temporary accommodation whilst the victim is overseas. Any help provided must be in accordance with local laws, so there may be occasions when some forms of assistance are not available. The FCDO or social care may ask the police to meet the person on arrival, in case family members try to abduct them at the airport.

There are support agencies that can also offer specialised support for repatriated victims of forced marriage. They provide advice or assistance in collecting women and men from the airport, and further assistance with their resettlement in the UK. Please refer to the support organisations listed in chapter 17 for further details.

Where necessary, the FMU can help secure funding for repatriation costs for forced marriage victims. Where possible, the FMU will seek to ensure that, as part of a Forced Marriage Protection Order (FMPO), the costs of return fall on the perpetrators. Where this is not safe, or appropriate, the FMU will work with family, friends, or other public bodies such as social care to meet the costs. The cost of return should never delay a victim seeking, or receiving, assistance to do so.

5.15 Record keeping

Keeping records of forced marriage is important. The records may be used in court proceedings or to assist a person (particularly women who say that they have experienced domestic abuse) in their immigration case. Records should provide a detailed account of what was discussed with the person. Even if forced marriage is not disclosed, a record of your concerns may be useful in the future.

All records belonging to people facing forced marriage should be kept secure to prevent unauthorised access by those within the broader community who may potentially pass on confidential information to a victim's family. Records should only be available to those directly dealing with the case – they also need to:

- be accurate, detailed and clear, and include the date;
- use the person's own words in quotation marks;
- document any injuries – include photographs, body maps or pictures of their injuries; and
- only be available to those directly involved in the person's case.

Some people who have fled a forced marriage have been traced through their medical or benefit records. When someone moves to a different area, it is important to have systems in place to prevent their medical records being traced to another GP practice or benefit office.

5.16 Police protection

Social care services may approach the police and ask for their assistance in undertaking a joint investigation. The way in which this is to be handled in England should be covered in the procedures prepared by the local safeguarding partners (the local authority, clinical commissioning group and the chief officer of the police) and in accordance with Working Together to Safeguard Children, and in Wales by Working Together Volume 5.²⁵ A joint approach may be particularly useful where it is thought that a child or young person is at immediate risk of forced marriage.

Where there is reasonable cause to believe that a child or young person, under the age of 18 years, is at risk of significant harm, a police officer may (with or without the co-operation of social care services) remove them from the parent and place them under police protection (s.46 Children Act 1989) for up to 72 hours. The police must inform children's social care and ask them to assist in finding safe and secure accommodation for the child or young person. Children's social care should commence child protection enquiries under s.47 of the Children Act 1989. After 72 hours, the police must release the child or young person. At this point, however, children's social care may apply for an EPO if the child or young person is still considered to be at risk of significant harm. The police have the power to make their own application for an EPO, but as a matter of practice this is done by children's social care.

Social care services should assist the police, if requested to do so, by arranging a placement for the child or young person in a place of safety, taking into account risk management and safety planning - whether this is in local authority accommodation provided by children's social care, on their behalf, or in a refuge.

Police officers have the power, under s.17(1)(e) Police and Criminal Evidence Act 1984 (PACE), to enter and search any premises in order to protect life or limb.

Police officers can also prevent a child's or young person's removal from a hospital or other safe place in which the child or young person is accommodated.

²⁵ Working Together to Safeguard Children HM Government, 2018 and Working Together to Safeguard People: Volume 5 – Handling Individual Cases to Protect Children at Risk.

The parents may ask for contact with the child or young person, but this does not have to be granted if it is not in the child's best interests, i.e. if it would place the child or young person in danger.

The local Police Child Protection Officer must be informed of any child under police protection. A child or young person may wish to see a police officer of the same gender. They may, or may not, want to see a police officer from their own community – try to give the child or young person the choice.

You may be placed under pressure from relatives, those with influence within the community, councillors or MPs to say where the child or young person has gone. **Do not divulge this information.**

The police do not have parental responsibility with respect to the child or young person while they are under police protection but they can do what is reasonable in the circumstances for the purposes of safeguarding or promoting the child's welfare. The police cannot make any decisions for them beyond the 72 hours of the order.

6. Healthcare Professionals: Guidelines

6.1: Background

The National Health Service (NHS) aims to create an “open and safe environment” where forced marriage can be discussed and where people know that they will be listened to, their concerns taken seriously, and healthcare help offered. The NHS has a wider social duty to promote equality through its services and to consider carefully those groups or sections of society where improvements in health are most needed to address inequalities.

Helping people who may be threatened by forced marriage should be part of ensuring all services and departments within the health service are addressing inequalities and also that they are person-centred and age appropriate services. The NHS Long Term Plan sets out moving towards service models for young people that offer person-centric and age appropriate care for mental and physical health needs, selectively moving to a ‘0-25 years’ service to improve outcomes and continuity of care. ‘A Healthier Wales’ also sets out a long-term future vision of a ‘whole system approach to health and social care’, which is focused on health and wellbeing, and on preventing illness.

All health services - including Primary Care services, Practice Nurses, Dentists, Health Visitors and School Nurses, NHS England and NHS Improvement, NHS Wales, Clinical Commissioning Groups, Integrated Care Systems, NHS Trusts, NHS Health Boards, NHS Foundation Trusts, Public Health Wales, General Practice, specialised commissioning services and community health services - can help create an “open” and supportive environment by:

- Displaying relevant information, for example details of the Freephone National Domestic Abuse Helpline run by Refuge, NSPCC, Child Line, and other appropriate local and national forced marriage support groups.
- Circulating and displaying copies of the Forced Marriage Unit’s (FMU) leaflets and posters.
- Providing training and resources for healthcare professionals about the issues surrounding forced marriage.

All staff working in healthcare services should be able to recognise potential indicators of child abuse, including forced marriage. The Inter-collegiate document ‘Safeguarding Children and Young People: Roles and Competencies for healthcare staff’ sets out the knowledge and skills needed based on their role.

A victim might wrongly assume that healthcare professionals cannot help them, and as such not disclose to a health professional that they are a victim of forced marriage. However, if a healthcare professional is aware of the issues around forced marriage and the ways in which victims can be supported, they are in an ideal position to provide early and effective intervention. They can offer practical help by providing information about rights and choices. They can also assist the victim by being alert to safeguarding concerns and referring them on appropriately, for example to the police and social care services if they are under 18 (or aged 18 and

under in Wales), or over 18 with their consent, as well as signposting them to local and national non-Governmental Organisations (NGOs) or charities that may be able to assist.

There will be occasions when victims (especially women) do not mention either forced marriage or domestic abuse, but present with signs or symptoms, which, if recognised, may indicate to the healthcare professional that they have been subjected to ‘honour’-based abuse and are within a forced marriage or at risk of entering into one. They may have unexplained injuries, be depressed, anxious or self-harming, or be involved in substance misuse. Some individuals attend for a completely different reason and mention in passing that there are “family problems”; with careful questioning they may disclose more.

Professional curiosity is needed when working with families who are displaying disguised compliance. Disguised compliance involves parents or carers giving the appearance of co-operating with agencies to avoid raising suspicions and allay concerns. In these cases, the needs and accounts of the vulnerable child or adult should always take precedence.

For more information:

[Professional curiosity & challenge – resources for practitioners : Manchester Safeguarding Boards \(manchestersafeguardingpartnership.co.uk\)](https://manchestersafeguardingpartnership.co.uk)

[NHSE GUIDANCE - COVID-19 \(safelives.org.uk\)](https://safelives.org.uk)

There are many different ways individuals may come to the attention of healthcare professionals. For example, they may present to:

- accident and emergency (A&E) departments, rape crisis centres or genito-urinary clinics with injuries consistent with rape or other forms of violence;
- dental surgeries, with facial injuries consistent with domestic abuse;
- mental health services, counselling services, school nurses, health visitors, or their GP, with depression resulting from forced marriage. They may display self-harming behaviour such as anorexia, cutting, substance misuse or attempted suicide;
- family planning clinics, pharmacists or GPs for advice on contraception or a termination as many women do not want to have a baby within a forced marriage; and
- midwifery services if a woman becomes pregnant.

An interview with a healthcare professional may be the only opportunity some victims have to tell anyone what is happening to them. To prevent this type of domestic abuse it is imperative that all healthcare professionals are prepared to use these limited opportunities to openly discuss the issues around forced marriage. This guidance is intended to assist all healthcare professionals to recognise the warning signs of forced marriage, understand the dangers faced and respond to their needs safely and effectively.

Many healthcare professionals have to make difficult decisions when presented with issues around forced marriage and this document aims to address these together with some of the practical ways in which they can support anyone facing forced marriage.

6.2 How healthcare professionals can help

As with all types of domestic abuse, those under threat of forced marriage, or already in a forced marriage, may present to healthcare professionals in many different ways. Therefore, healthcare professionals should take a proactive role to establish whether forced marriage is an issue. Healthcare professionals should use professional curiosity to ask appropriate questions to establish whether patients are at risk of or experiencing harm, including forced marriage. Most people will not be offended by such questions if they know the questions are routine.

Questioning could include:

- “How is your relationship?”
- “Are you happy about the baby – is your husband/partner happy?”
- “Are you bonding with your baby?”
- “Does your partner or family let you do what you want, when you want?”
- “Have you ever been afraid of your partner’s or a family member’s behaviour - are they verbally abusive?”
- “Do you ever feel unsafe at home?”
- “Has your spouse/partner or anyone else at home threatened you?”

Depending on the response a healthcare professional receives, they may go on to ask:

- “Have you ever been hurt by your partner or anyone else at home – perhaps slapped, kicked or punched?”
- “Have you ever been forced to have sex when you didn’t want to?”

These routine questions can be tailored to any department within the health service to reflect the types of issues with which women may present. For example, in a child and adolescent mental health service, or any department where children or young people attend, the questions may focus on the family relationship – such as:

- “How are things at home – do you get on with your parents?”
- “What do you do at weekends?”

Again, depending on the answer, the healthcare professional may go on to ask more in-depth questions - for example around gender roles within the family or questions around the marriages of older siblings and the circumstances of those marriages.

- “Are your parents supportive of your aspirations – what do they hope for you?”
- “Do your parents have similar aspirations for all your brothers and sisters?”
- “Apart from school, do you get out much?”

Some healthcare professionals have more opportunities than others depending on their area of work, or their ability to create opportunities to see someone alone, where they may feel more able to talk. These include health visitors, midwives, GPs, practice nurses, school nurses, mental health staff and professionals in family planning clinics, genito-urinary clinics and sexual assault referral centres, amongst others. If there are concerns that forced marriage may be an issue, the healthcare professional might ask questions about family life and whether the person faces restrictions at home.

Some people trapped within a forced marriage have severe restrictions placed on them by their own family, spouse or extended family. Some find themselves under “house arrest”, and face severe financial restrictions. Others may not be allowed out of the house unaccompanied – and may frequently be accompanied to appointments. Healthcare professionals should try to see the individual alone whenever possible, for example by explaining that it is standard practice to do this so that when they are spoken to so they are not under duress.

There are many questions a healthcare professional could ask to establish whether someone is trapped in a forced marriage. These include:

- “How are things at home?”
- “Do you get out much?”
- “Can you choose what you want to do and when you want to do it – such as seeing friends, working or maybe studying?”
- “Do you have friends or family locally who can provide support?”
- “Is your family supportive?”

Some healthcare professionals may be concerned that someone is under threat of a forced marriage because they are exhibiting some of the behaviours shown in the lists of potential warning signs or indicators on pages 36-37. They may be isolated, depressed or withdrawn; misusing alcohol and drugs (prescribed or non-prescribed); or have unexplained injuries.

In these cases, sensitive questioning may encourage the person to disclose forced marriage. Even if they do not disclose anything the first time you raise forced marriage, it will show them that you understand the issues and it may give them confidence to disclose at a later date.

If there are still concerns over forced marriage but the person has not disclosed anything, do let them know that if their circumstances change and they believe they or anyone they know will be at risk of forced marriage, there are organisations that can assist them, including the FMU, details for which are available online. Do **not** provide them with a leaflet as this may put them at risk, particularly if they are accompanied. Healthcare professionals should always be alert to safeguarding concerns and follow local safeguarding procedures.

Key Principles:

- **Some people, especially women, may not wish to speak to a healthcare professional who is male or who is from their own community.**

- Always try to speak to someone on their own even if they are accompanied.
- If they require an interpreter, never use family members, friends, or individuals who are prominent or influential in the individual's community. You should always use an accredited interpreter. Some people may be more likely to disclose forced marriage when a telephone interpreting service is used, as they can speak to the interpreter more anonymously.

6.3 Handling cases involving children and young people

Early identification of risks can help children and young people to receive the crucial support they need to be healthy, safe and happy.

In England, if you have concerns for the safety of an individual under 18 years of age, **activate your local child protection procedures** and use existing national and local protocols for multi-agency liaison with police and children's social care.²⁶

Refer to the local police child protection unit if there is any suspicion that a crime has been, or may be, committed. Liaise with the police if there are concerns about the safety of the person, their siblings or their children.

In Wales, if information is received that a child is at risk this must be reported, as set out in the Social Services and Well-being (Wales) Act 2014. Information on reporting a concern is set out in the Wales Safeguarding Procedures, which can be found here: [Social care Wales \(safeguarding.wales\)](https://www.gov.wales/safeguarding-wales). Statutory guidance on handling individual cases of children at risk has also been issued in Wales.²⁷

6.4 Confidentiality

Effective information sharing is important to help keep people safe. Practitioners should follow their existing local safeguarding procedures in line with information sharing and data protection principles.

Decision-making about what to share, and when, should be governed by a clear, collective understanding about the risks to the safety of any individual and their family, and how those risks and the other needs within that family can be addressed. Information-sharing should happen with the express intent of reducing risk to one or more family members.

For children, the below is an extract from the 'Working together to safeguard children' statutory guidance:

* * * * *

- Effective sharing of information between practitioners and local organisations and agencies is essential for early identification of need, assessment and service provision to keep children safe.

²⁶ www.gov.uk/government/publications/working-together-to-safeguard-children

²⁷ <https://gov.wales/safeguarding-children-risk-abuse-or-neglect>

- Practitioners should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to local authority children’s social care (for example, they are being supported as a child in need or have a child protection plan). Practitioners should be alert to sharing important information about any adults with whom that child has contact, which may impact the child’s safety or welfare.
- Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children, which must always be the paramount concern. To ensure effective safeguarding arrangements:
- All organisations and agencies should have arrangements in place that set out clearly the processes and the principles for sharing information. The arrangement should cover how information will be shared within their own organisation/agency; and with others who may be involved in a child’s life.
- All practitioners should not assume that someone else will pass on information that they think may be critical to keeping a child safe. If a practitioner has concerns about a child’s welfare and considers that they may be a child in need or that the child has suffered or is likely to suffer significant harm, then they should share the information with local authority children’s social care and/or the police. All practitioners should be particularly alert to the importance of sharing information when a child moves from one local authority area into another, due to the risk that knowledge pertinent to keeping a child safe could be lost.
- All practitioners should aim to gain consent to share information, but should be mindful of situations where to do so would place a child at increased risk of harm. Information may be shared without consent if a practitioner has reason to believe that there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner. When decisions are made to share or withhold information, practitioners should record who has been given the information and why.
- Practitioners must have due regard to the relevant data protection principles which allow them to share personal information, as provided for in the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR).

* * * * *

Regarding adults, the process should be consent-led. If the victim objects to the disclosure of personal information and they are deemed to be mentally competent to understand the risks to themselves of that decision then their objection should generally be respected. However, if it is believed that withholding information puts a child at risk of significant harm, or another adult at risk of serious harm, then disclosure may be justified in the public interest. You can share confidential information without consent if it is required by law, or directed by a court, or if the benefits to a child or young person that will arise from sharing the information outweigh both the public and the individual's interest in keeping the information confidential. The process must be compliant with GDPR and the

Common Law Duty of Confidence. The Information Sharing Protocol and Caldicott Principles must be adhered to and the decision to share must be recorded as being both proportional and relevant in relation to the risks.

Professional judgement should be used to help assess the circumstances and determine appropriate action to take. Safeguarding leads as well as other specialist roles, such as Caldicott Guardians and designated/named professionals, can help advise.

Further information on confidentiality and information sharing can be found from:

- NHS Digital
- NHS England
- General Medical Council
- Nursing and Midwifery Council

6.5 If you suspect someone is being forced into marriage:

- Make an attempt to speak to the person alone.
- Use an accredited translation service (if needed) and not a family or community member.
- If you are sharing information with other professionals or referring to another agency, make sure that you explain this properly, taking care to act in line with your existing safeguarding responsibilities and information sharing principles.
- Ensure that any further action complies with all statutory and professional responsibilities in relation to safeguarding.
- Ensure all discussions are approached directly but in a sensitive and non-judgemental manner.
- Inform the patient that forced marriage is illegal.
- Remember wider safeguarding considerations and remain alert to all forms of abuse, for example 'honour'-based abuse, domestic abuse etc. and potential risks to other children or family members.
- Provide information on support for forced marriage (for example the FMU, helplines, local support services).
- Remember that this guidance does not replace the need for professional curiosity and decision making in relation to the circumstances presented.

7. Supporting Victims With Learning Disabilities

Key Principles:

- **People with learning disabilities are sometimes forced to marry. Some may have capacity to consent, but they might be more easily tricked or coerced into marriage, while others may lack the capacity to consent.**
- **Where a person lacks the capacity to consent to marriage, an offence is also capable of being committed by any conduct carried out with the purpose of causing the victim to marry, whether or not it amounts to violence, threats or any other form of coercion.**

The 'My Marriage, My Choice' project (led by Dr Rachael Clawson at the University of Nottingham, in collaboration with the University of Kent, RESPOND and Ann Craft Trust), has developed a range of resources to help practitioners, people with learning disabilities and family members better understand forced marriage.²⁸ These include practice guidance and a toolkit to assist practitioners who are working to support people with learning disabilities to recognise and take appropriate action when there is a risk of forced marriage. Much of this work has informed the guidance set out in this chapter. For further information visit their website at:

[My Marriage My Choice - The University of Nottingham](#)

7.1 Specific issues facing people with learning disabilities

Research and evidence tells us that children and adults with learning disabilities are subjected to more abuse and less likely to be protected by safeguarding systems than their peers who do not have learning disabilities.²⁹ It might also be wrongly assumed that the impact of abuse is physically or emotionally less painful because the victim has a learning disability.

Human rights law applies equally to people with and without disabilities. People with learning disabilities are often seen or treated by others in ways that contravene their rights, for example in not being given choices or having their views listened to. The impact of this can be that they do not have the opportunity to develop fulfilling relationships, do not participate fully in decisions affecting their lives and have their participation in many activities limited.

Individuals with learning disabilities are subjected to more abuse than their peers who do not have a disability for a range of reasons, including:

- Increased likelihood of social isolation

²⁸ [My Marriage My Choice - The University of Nottingham](#)

²⁹ Sullivan, P. and Knutson, J. (2000) 'Maltreatment and disabilities: a population-based epidemiological study', 'Child Abuse & Neglect', 24 (10), 1,257–73.

- Dependence on parents/family members and carers for practical assistance in daily living including intimate and personal care and possibly a lack of access to an independent person who can advocate on their behalf
- Impaired capacity to resist or avoid abuse or understand that a situation is abusive
- Speech, language and communication needs
- Lack of access to a trusted person if wanting to disclose
- For children and adults living in residential care, an additional dependence on staff for daily care and possibly a lack of access to an independent person who can advocate on their behalf
- Being more easily coerced or eager to please
- Human rights not being recognised or respected

Considering that the age of victims, the transition period between child and adult services for young people with learning disabilities can be a time of particular vulnerability, this can lead to professionals sometimes being unable to recognise that abuse is taking place for a range of reasons including:

- Over-identification with the parent or carer – this can lead to reluctance to accept that abuse is taking place or a perception that it is caused by the stress of caring for a person with disabilities
- Lack of knowledge about the impact of the learning disability on the child or adult
- Lack of knowledge of the child's or adult's usual behaviour
- Confusing those behaviours which indicate that a person might be being abused with those which are associated with disability (e.g. behaviour that challenges)
- Accepting what are perceived to be "cultural norms"
- Lack of clear guidance on safeguarding policies and procedures
- Not recognising forced marriage for what it is
- Physical injuries, e.g. bruising, explained by the person's disability rather than abuse
- Reliance on parents to speak for their child or explain behaviour or symptoms
- Not seeking an opportunity to speak to the child or adult alone
- Difficulty in remaining confident in own expertise when challenged by a parent or carer
- The belief that a child or adult with a learning disability cannot communicate their wishes and feelings, or that it is too difficult to obtain their views

A person's capacity to consent can also change. For example, with the right support and specialised education, a person with a learning disability may move from a position of lacking capacity to consent to marriage, to having capacity. However, some children and adults with learning disabilities are given no choice and/or do not have the capacity to give informed consent to marriage and all it entails. This may include engaging in a sexual relationship, having children and deciding where to live.

7.2 Drivers

Perpetrators who force their children or other family members with learning disabilities into marriage may do so for several reasons. Some of the key motives that have been identified are³⁰:

- Obtaining a carer for their son/daughter/family member.
- Obtaining physical assistance for ageing parents.
- Obtaining financial security.
- Believing that marriage will 'cure' the learning disability.
- A belief that marriage is a 'rite of passage' for all young people.
- Mistrust in the 'system', including external social care and health workers.
- Concern about the level of stigma attached to being disabled and/or being unmarried.
- No knowledge of support services available.
- A fear that younger siblings may be viewed as undesirable if older siblings are not already married.
- Often seen as the only option or the right option (or both) – no alternative.

It is important to note that a person without a learning disability may also be a victim. They may not know that their spouse has a learning disability and/or care needs, and may themselves be subjected to abuse from extended family if they do not fulfil their role as a carer. They may also face difficulties if they choose to leave the marriage.

Research also shows that men with learning disabilities are just as likely to be forced to marry as women, and people with learning disabilities tend to be older than the general population when these marriages take place³¹.

7.3 The Mental Capacity Act 2005 and the capacity to consent to marriage

The Mental Capacity Act 2005 applies to all people aged 16 and over³². The Act provides a statutory definition of what it is to lack mental capacity and a framework

³⁰ Ann Craft Trust (2012) Forced Marriage of People with Learning Disabilities: Final Report
My Marriage, My Choice (2018) Summary of Findings

³¹ Rachael Clawson et al, 2019.

³² As amended by the Mental Capacity (Amendment) Act 2019.

both for how decisions may be made for those who lack capacity, and for those who have capacity to make preparations for a time when they may lack capacity in the future. It sets out who can take decisions, in which situations, and how they should go about this. The Act starts from the basis that, all are assumed to have the capacity to make decisions.

A person lacks mental capacity if they are unable to make a decision due to an impairment or disturbance of the mind or brain. Being unable to make a decision means being unable to:

- Understand information relevant to the decision which is given to them.
- Retain that information for long enough to be able to make the decision.
- Weigh up the information available to make the decision.
- Communicate their decision to others.

Where someone is found to lack capacity to make a particular decision, the Act sets out circumstances in which other people are permitted to make those decisions on behalf of that person. Any such decision must be made in the best interests of the person who lacks capacity. For example, family and professionals might decide that it is in a person's best interest to live in a certain place, even though the person themselves lacks the capacity to consent to such a decision.

However, there are certain decisions which cannot be made on behalf of another person and these include the decision to marry or to have sexual relations. There is therefore no legal basis on which someone can agree to marriage, civil partnership or sexual relations on behalf of someone who lacks the capacity to make these decisions themselves. However, families sometimes believe they have the "right" to make decisions regarding any marriage of their relative, particularly if they are trying to secure long term care. Research has found that although many families know what forced marriage is, they would not consider 'arranging' a marriage for their son or daughter a forced marriage if they cannot consent (My Marriage, My Choice (2018) Summary of Findings).

(You are advised to refer to the Mental Capacity Act Code of Practice for more detailed guidance [[Mental Capacity Act Code of Practice - GOV.UK \(www.gov.uk\)](http://www.gov.uk)]; this section provides an outline only.)

The five statutory principles which underpin the Mental Capacity Act are:

1. A person must be assumed to have capacity unless it is established that they lack capacity.
2. A person is not to be treated as being unable to make a decision unless all practicable steps to help them to do so have been taken without success.
3. A person is not to be treated as being unable to make a decision merely because they make an unwise decision.
4. An act done or decision made under this Act for or on behalf of a person who lacks capacity must be done, or made, in their best interests.

5. Before the act is carried out, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

Not all of the principles are relevant to a decision to marry. "In English law, the court and/or any individual (including a parent) is unable to give consent to a marriage on behalf of an adult who lacks the capacity to give his/her own consent" (barrister, family law). Principles 4 and 5 therefore cannot apply to decisions about marriage.

What does "lack capacity" mean?

The Mental Capacity Act Code of Practice explains that the term "a person who lacks capacity" mean a person who lacks capacity to make a particular decision or take a particular action for themselves at the time the decision or action needs to be taken. This reflects the fact that a person may have capacity to make some decisions but not others, and that mental capacity can fluctuate, decline or improve; a person who lacks capacity to make a decision for themselves at a certain point in time may be able to make that decision at a later date, because they have regained mental capacity on the matter at hand, and vice versa.

Mental capacity can fluctuate or change due to the nature of a specific illness or condition which may be temporary, may improve or decline. Similarly, while some people may always lack capacity to make certain decisions, for example because they have a condition or severe learning disability that has affected them from birth, others may learn new skills that enable them to gain capacity and make decisions for themselves.

Under the Mental Capacity Act, a person should be given all practicable support (such as using simple language or choosing a time of day that works for them) to enable them to make a decision, including the decision to marry, and, importantly in this context, a decision that they do not want to get married. It is important to recognise a decision made as a result of receiving appropriate support and respect the person's capacity to make it.

It should be noted, however, that people with learning disabilities who have capacity may still be at risk. People with learning disabilities who have capacity should still be dealt with under 'learning disability' guidelines, as not doing so could leave them vulnerable. It is therefore important for safeguarding reasons, not to assume a person lacks capacity just because they have a learning disability. Careful assessment of their circumstances will be needed in order to both facilitate their right to choose and to protect them against forced marriage.

It is not just those people with learning disabilities whose capacity can be affected. There are other reasons including brain injury, dementia, Alzheimer's and mental ill-health that can affect a person's capacity which should be taken into consideration.

If a person does not consent or lacks capacity to consent to marriage, that marriage must be viewed as a forced marriage no matter the reason for the marriage taking place. Capacity to consent can be assessed but is time and decision-specific. Support should be given to enable the person to make the decision if this is possible.

* * * * *

Mandeep's story

“Last night I heard my parents talking about our trip to India this summer and their plan for my brother Mandeep to get married while we are there. My mum said they're getting too old to look after him so thought it would be best for him to have a wife to do so. Mandeep has a learning disability and needs support from mum and dad for even the most basic tasks. I really don't think he understands anything about being in a marriage”

Mandeep's sister contacted the Forced Marriage Unit and told them her concerns about her brother's situation and his ability to understand what was about to happen to him. The FMU made a referral to the local adult social care team explaining the situation and requesting that they carry out a Mental Capacity Assessment for Mandeep, ensuring the source of information remained anonymous. Mandeep was already known to the learning disability team, who were already providing him with support but they were unaware of the upcoming marriage. Through the assessment, they found that he lacked the capacity to consent to sex and marriage. Through the advice of the Forced Marriage Unit, they were able to get a safeguarding plan in place, including obtaining a Forced Marriage Protection Order. They then worked with the family to explain the risk of marriage to Mandeep and explore other options for his long-term needs.

* * * * *

8. Schools, Colleges and Universities: Guidelines

Although this chapter is specifically aimed at teachers, lecturers and other members of staff within schools, colleges and universities, much of the guidance and information below will apply to staff working in other educational establishments.

Schools and colleges must have regard to statutory guidance on safeguarding, 'Keeping Children Safe in Education'³³, or for Wales, 'Keeping Learners Safe'³⁴.

8.1 Background

Young people, especially girls, who are forced to marry, or those who fear they may be forced to marry, are frequently withdrawn from education, restricting their educational and personal development. They may feel unable to go against the wishes of their parents and consequently may suffer emotionally, often leading to depression and self-harm. These factors can contribute to impaired social development, limited career and educational opportunities, financial dependence and lifestyle restrictions.

Staff may become aware of a student because they appear anxious, depressed and emotionally withdrawn with low self-esteem. They may show signs of mental health disorders and display behaviours such as self-harming, self-cutting or anorexia. Sometimes a student may come to the attention of the police having been discovered shoplifting or taking drugs or alcohol. Often students' symptoms can be exacerbated in the periods leading up to holiday seasons. Staff may wish to be particularly vigilant during these times.

Students may present with a sudden decline in their performance, aspirations or motivation, with some female students feeling that studying is pointless if they are going to be forced to marry and therefore be unable to continue with their education. However, high achievers can also be at risk of forced marriage and there may have been no previous problems at school or concerns raised about the family.

There may be occasions too when a student comes to school or college but then absents themselves from lessons. Often young people at risk of forced marriage are living in virtual imprisonment. They may be subject to excessive restrictions and control at home. Some students may not be allowed to attend any extra-curricular or after school activities. Girls and young women in particular may be accompanied to and from school/college, even during lunch breaks. Therefore, school time is their only "free" time to do ordinary adolescent activities that other students do at weekends with their friends.

Some students may stop attending school or college altogether and visits to the home by welfare officers or other members of staff may result in the professional

³³ [Keeping children safe in education - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/keeping-children-safe-in-education)

³⁴ [Keeping learners safe | GOV.WALES](https://www.gov.wales/government/consultations/keeping-learners-safe)

being told that the student is out of the country. In some cases, the student may have been locked in a room of the house and not allowed to communicate with anyone outside.

Other students may show a decline in punctuality, especially if they are past compulsory education age, which may be the result of having to “negotiate” their way out of the house. Some students, particularly girls, are given minimal time to get to school to ensure that they do not have time to meet a boyfriend or talk to friends. There are occasions when older siblings (usually brothers) and cousins keep a close eye on girls to make sure that they do not meet anyone or talk to friends.

Some students may come to the notice of teaching staff because their homework is incomplete or appears rushed. This may be the result of being actively discouraged from doing it by family members. These students may do their homework late at night and may frequently show up at school feeling lethargic, unable to concentrate and have a general appearance of tiredness.

Staff may become aware of conflict between the student and their parents, particularly about whether the student will be allowed to continue their education. Sometimes there may be family disputes over whether the student can make applications to colleges or universities, and about the distance of the college or university from the family home.

Another warning sign might be a family history of older siblings leaving education early and marrying early. Their parents may feel it is their duty to ensure that children are married soon after puberty in order to protect them from sex outside marriage. In these cases, there may be a history of considerable absence that has been authorised by the student’s parents. These absences may be for sickness, or extended family holidays overseas, often interrupting the school term.

Students who fear they may be forced to marry often come to the attention of, or turn to, a teacher, lecturer or other member of staff before seeking help from the police or social services. Sometimes the student’s friends report it to staff. Teachers, lecturers and other members of staff are in an ideal position to identify and respond to a victim’s needs at an early stage. They can offer practical help such as referring the student to social services or to local or national support groups, but can also help by providing them with information about their rights and choices. The statutory guidance, ‘Keeping Children Safe in Education’ in England and *Keeping Learners Safe* in Wales, sets out clearly what school and college staff need to know about different forms of abuse and what they need to look out for to identify a child in need of help.

Educational establishments should aim to create an “open environment” where students feel comfortable and safe to discuss the problems they are facing - an environment where forced marriage is discussed openly within the curriculum, and support and counselling are provided routinely. Students need to know that they will be listened to and their concerns taken seriously. Staff in special schools need to be aware of potential warning signs for pupils.

How education professionals can help:

- Consider taking a ‘whole school’ approach to educating on forced marriage in the school curriculum and environment.

- Educating teachers, lecturers and other staff about the issues surrounding forced marriage and the signs to look out for. Appropriate training may be included in continuing professional development (CPD).
- Teach about the signs of forced marriage and how to obtain help in RSE.
- Signposting to appropriate materials and sources of further support and advice about forced marriage.
- Displaying relevant information e.g. details of the NSPCC Helpline, Child Line, and appropriate local and national support groups on forced marriage.
- Ensuring that a private telephone is made available should students need to seek advice discreetly.
- Referring students to an education welfare officer, pastoral tutor, learning mentor or school counsellor as appropriate.
- Encouraging young people to access appropriate advice, information and support.

If you suspect a student is being forced into marriage:

- Speak to the pastoral lead, head teacher or designated safeguarding lead/person to make sure that the most appropriate person can speak to the student and take further action.
- Ensure this person speaks to the student privately about these concerns.
- Follow the general action as set out in **chapter 3**.
- Collect as much as possible of the information required in **chapter 4**.
- Refer to warning signs on pages 36-37.
- Continue to liaise with the pastoral lead/head teacher/designated safeguarding lead/person as appropriate.
- If you have concerns for the safety of a student under 18 years old, activate local child safeguarding procedures and use existing national and local protocols for multi-agency liaison with police and children's social care.³⁵
- Establish whether the student has dual nationality as they may have two passports.
- Seek advice from the FMU.

³⁵ [Working together to safeguard children - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Do NOT:

- **Treat such allegations merely as a domestic issue and send the student back to the family home.**
 - **Ignore what the student has told you or dismiss out of hand the need for immediate protection.**
 - **Decide that it is not your responsibility to follow up the allegation.**
 - **Approach the student’s family or those with influence within the community, without the express consent of the student, as this will alert them to your concerns and may place the student in danger.**
 - **Contact the family in advance of any enquiries by the police, the FMU, or adult or children's social care, either by telephone or letter.**
 - **Share information outside what is permitted by information sharing protocols without the express consent of the student.**
 - **Attempt to be a mediator or encourage mediation, reconciliation, arbitration or family counselling.**
-

8.2 If a student stops attending school

Local authorities in England have a duty to identify all children not receiving a suitable education.³⁶ This relates to children of compulsory school age who are not on a school roll and who are not receiving a suitable education other than through being at school (this could involve, for example, home education, private education or alternative provision). Details of the steps local authorities need to take to meet this duty are described in Statutory Guidance for local authorities in England to identify children not receiving a suitable education”.³⁷

Section 436A of the Education Act 1996 places a duty on local authorities in Wales to make arrangements to identify children in their area who are of compulsory school age and not receiving a suitable education.³⁸ This duty does not apply in relation to children and young people who are registered at a school who are not attending regularly. In such cases a child or young person should be subject to intervention through existing attendance strategies and education welfare procedures.

In 2010, the Welsh Government first published “Statutory guidance to help prevent children and young people from missing education. A practical toolkit to help identify children and young people missing education”. This guidance was amended in 2017³⁹. It provides advice and makes recommendations as to how to meet and embed standards and sets out responsibilities for local authorities in relation to their duty to identify children and young people in their area not registered at a school and not receiving a suitable education, and reduce the risk of children and young people going missing from the education system, by identifying and supporting vulnerable

³⁶ See Keeping Children Safe in Education 2021, paragraphs 164-168.

³⁷ See - [Children missing education - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

³⁸ Education Act 1996 (legislation.gov.uk)

³⁹ [statutory-guidance-help-prevent-children-young-people-missing-education.pdf \(gov.wales\)](https://gov.wales/statutory-guidance-help-prevent-children-young-people-missing-education.pdf)

groups of children and young people and ensuring effective interventions at an early stage.

There may be occasions when a student does not return to education after a holiday or they may stop attending school during term time. In these situations, staff may have a suspicion that forced marriage is an issue. If a teacher, lecturer or other member of staff suspects that a student has been removed from, or prevented from attending, education as a result of forced marriage, a referral should be made to the local authority adult or children's social care services and to the police.

- Liaise with the local police domestic abuse unit.
- Contact the FMU.
- Try to obtain as much information about the student as possible.
- Establish whether there is a history of siblings being forced to marry.
- Consider speaking to the student's friends.

There may be occasions when an Education Welfare Officer (EWO) or teacher visits the family to find out why the student is not attending school or college. The family may tell the EWO or teacher that the student is being educated overseas.

Sometimes, the family suggest that the EWO or teacher speaks to the student on the telephone. If this occurs, consider how far the information gained on a telephone call can be relied upon. There have been occasions when students have not been able to talk freely over the telephone or a different individual has spoken to the EWO or teacher. If the student is a British national, an alternative could be to suggest that the student presents at the nearest British Embassy or High Commission to speak with a consular officer. In most cases, consular staff can verify the student's identity and facilitate a private conversation with them. However, consular visits require planning and preparation so please consult with the FMU before suggesting a student consular visit to an Embassy or High Commission. For further information, refer to the statutory guidance for local authorities in England to identify children not receiving a suitable education.⁴⁰

Do NOT:

- **Remove the student from the register without first making enquiries and referring the case to the police and to the local authority adult or children's social care.**
 - **Dismiss the student as taking unauthorised absence.**
-

8.3 Making Referrals

It is not the role of teachers, lecturers and staff to investigate allegations of abuse of a student. If the student is under 18 years old, all referrals relating to potential abuse should be made in accordance with "Working Together"⁴¹ and part one of Keeping Children Safe in Education – "What school and college staff should do if they have

⁴⁰ [Stat guidance template \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

⁴¹ [Working together to safeguard children - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

concerns about a child”⁴². These referrals will usually be to children's social care or to the police. The FMU can also be contacted for advice and help in making that referral.

If the student is an adult with disabilities, referrals should be made in accordance with the local Multi-agency Adult Protection Committee procedures and protocols to protect vulnerable adults from abuse.

The student may not wish to be referred to a social worker, police officer or a guidance/pastoral/head teacher from his or her own community. Consult other professionals, particularly an experienced manager/colleague, or the local police child protection or domestic abuse unit. Advice can be sought without revealing the student’s identity.

Speaking to the student’s parents about the action you are taking may place the student at risk of harm. Therefore, **do not** approach the family as they may deny that the student is being forced to marry, move the student, or expedite any travel arrangements and bring forward the forced marriage.

Report the details of the case, with a full family history, to the Forced Marriage Unit. Encourage the student to get in touch with the Forced Marriage Unit. The Unit provides advice and support to individuals who fear that they may be forced into marriage.

* * * * *

Mariam’s Story

“Just after I turned sixteen, my parents decided it was time for me to get married. They asked my school for time off, saying we were travelling for my grandmother’s funeral. Nobody would tell me what was going on, but I overheard my mum talking about it on the phone. One of the teachers was asking me about the time off and saw that I was getting upset.”

Mariam’s teacher spoke to the designated safeguarding lead about the situation, and she asked Mariam some more questions. She explained that she would not tell Mariam’s parents what they had talked about, but would have to contact social services. A social worker came to see Mariam at school. Based on what she had said, the local authority applied for a Forced Marriage Protection Order so she could live safely at home and carry on studying. Staff at the school spoke to her regularly about how things were going and whether she needed any extra support. She passed her exams and went on to college.

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⁴² Keeping Children Safe in Education, 2021

9. Police Officers: Guidelines

9.1 Background

Police have a number of key responsibilities in relation to forced marriage. These include keeping victims safe, investigating crimes associated with forcing someone to marry and supporting any witnesses. Police work in partnership with the Crown Prosecution Service (CPS) to prosecute cases.

Forced marriage is a criminal offence (see definition on page 8). This includes:

- Taking someone overseas to force them to marry (whether or not the forced marriage takes place).
- Causing a person to marry someone who lacks the mental capacity to consent to marriage (whether they are pressured to do so or not).
- Breaching the terms of a Forced Marriage Protection Order.

Although this chapter focuses mainly on women and girls, men and boys are also forced into marriage with approximately 20% of calls to the FMU concerning male victims. Male victims should be given the same assistance and respect when they seek help, particularly as they may find it more difficult to admit to being forced into marriage and therefore, may be less likely to seek the help they need. This may be a particular concern for men who are forced into marriage in an attempt to conceal or change their sexuality.

9.2 How police officers can help

To gain the trust of a victim or potential victim, the police must have a good understanding of the issues surrounding forced marriage and the steps that they can take in order to protect a victim. Risks to others connected to the victim, such as siblings or partners, must also be considered. They need to be aware that people who have been forced into a marriage, or those under threat of one, may face significant harm if their families become aware that they have sought assistance from an agency, whether that be the police, social care or a voluntary or community-based organisation. The person's safety must come first. In many cases, it may not be in their best interests to remain with the family or even in the immediate vicinity. If possible, cases of forced marriage, actual or suspected, should only be handled by an officer who has been nominated by his or her police force as being qualified, both by relevant experience and specialist training, to deal with such cases. Not all police forces have a specialist officer or department to deal with these issues, but the most appropriate officer should deal with the case. Where possible, you should gain the victim's views about uniformed officers attending, unless urgent to save life/limb etc. Police should also consider the advice of the National Crime Agency's Protected Persons Service where the risk is particularly high or enduring.

There may be occasions when the victim will not wish to engage in any prosecution case or will minimise their concerns/role through fear of speaking out and the love

they feel for their family. Police do, however, still have a duty to safeguard such victims and, in some cases, they should still prosecute and bring offenders to justice. This will be a difficult situation to manage if the victim has disengaged and it may be difficult for police to monitor their safety. All high-risk cases should be considered for a Multi-Agency Risk Assessment Conference (MARAC) and a FMPO.

9.3 If someone fears they are being forced into marriage

- Follow the general action to be taken as set out in **chapter 3**.
- Collect as much as possible of the information required in **chapter 4**.
- Discuss the case with the FMU, particularly if the victim is overseas. Note that the FMU is not an investigative team, nor a safeguarding body, and does not apply for FMPOs but they can give advice to police and signpost police to other agencies which can provide support.
- Refer the victim, with their consent, to appropriate local and national support groups that have a history of working with survivors of domestic and 'honour'-based abuse and forced marriage. In high-risk cases, consider referring without consent. This decision should be taken carefully and should only be done if it will decrease the risk to a victim.
- Consider a referral to MARAC in high risk cases.
- Consider whether a communication specialist is needed if the victim is deaf, is visually impaired or has learning disabilities.
- Check police and social services' records for past referrals of family members including siblings – e.g. domestic abuse or missing persons within the family. This should include Police National Database and ACRO checks for any concerns outside of the force boundaries or abroad. Where there is risk to a child or vulnerable adult, consider referring the matter for a multi-agency strategy discussion.
- Consider that someone who lacks capacity to consent to marriage might not fear being forced into marriage and may even say they want it. Consider whether a capacity assessment and other safeguarding measures are needed.
- Obtain details of any threats, abuse or hostile actions against the victim. Conduct a risk assessment and act appropriately.
- Create an entry in the force intelligence system and submit a crime report if applicable (refer to National Crime Reporting Standards and get advice from your Force Crime Registrar if appropriate). Consider restricting this in line with force policy.
- Explain all the options available to the victim.
- The safety of the victim must take precedence. Do not underestimate the risks that such victims face. Consideration should be given to the siblings of the victim and positive action taken where necessary. It is extremely important to listen to victims and take seriously the risks they face.
- If foreign travel with the family becomes unavoidable, take the precautions as set out in **chapter 4**. A FMPO can be used to prevent travel or to put conditions in place that make travel safer.

There may be occasions when the police are required to establish whether someone is safe while they are still in the UK. In these situations, it is important that police interview them confidentially away from their family home, in a neutral place, where they cannot be influenced or pressured by family members. It is sometimes appropriate to establish secure pathways of communications, with passwords, so that you know that the victim is safe, if they choose to remain within the family home.

If the person is travelling overseas, the police should obtain all names and addresses (or another identifiable geographic location) of extended family members where they may be staying. It is good practice in all cases to obtain details of a family tree.

9.4 If a third party reports that someone has been taken overseas for the purpose of a forced marriage

Sometimes a person may be taken overseas on the pretext of a family holiday or the wedding, illness or funeral of another family member. On arrival, their mobile phone, documents and passports may be taken away from them. Some victims have also reported their parents drugging them. In these cases, it may be a “third party” in the form of a concerned friend, relative, partner or agency that reports them missing. These cases may initially be reported to the FMU, social care, police, education or a voluntary group.

As with all cases of forced marriage, confidentiality and discretion are of vital importance. It is **not** advisable to contact an overseas police service or organisation to make enquiries. Risks may arise if police or organisations overseas are contacted directly. If, through overseas police actions, the family becomes aware that enquiries are being made, they may move the victim to another location, seek to expedite the forced marriage and/or harm the victim.

Response:

- Follow the general action as set out in **chapter 3**.
- Collect as much as possible of the information required in **chapter 4**.
- Refer to warning signs on pages 36-37.
- Refer to a child protection officer, if the person is under 18 years of age.
- Refer to the responsible UK local authority, either if the person is under 18 years of age or if they are over 18 and have a disability which means they are eligible for support.
- Check existing missing persons reports.
- Obtain details of, and maintain contact with, the third party in case the person contacts them whilst overseas or on their return.
- Consider asking an Education Welfare Officer to make careful enquiries.
- Use existing national and local protocols for inter-agency liaison e.g. liaison with the National Crime Agency (NCA) and the FMU.

- Conduct a risk assessment.

Inform the third party that if the person being held overseas wishes to return to the UK (if they are a British national), the FCDO may be able to help them, including by helping to arrange flights or replacing missing travel documents. In some locations, the FCDO may have trusted partners to help victims find safe emergency accommodation if necessary. It is important to note, however, that the assistance provided will of necessity need to be tailored to the circumstances of each case. Local law may prevent some forms of assistance. For example, in some countries parental consent may be required before a minor, or an unaccompanied female, is permitted to depart through immigration. In such circumstances a FMPO can be a powerful tool to try to obtain any necessary permissions (see chapter 16 for further details).

Where necessary, the FMU can help secure funding for the repatriation costs for forced marriage victims. As far as possible, the FMU will work with the relevant authority in the UK which is applying for a FMPO, to seek to ensure that the costs of return fall on the perpetrators. Where this is not deemed by the relevant authority to be safe, or appropriate, the FMU will identify other potential sources of support. The cost of return should not delay a victim seeking, or receiving, assistance to do so.

Best Practice:

- Ascertain if anyone else is aware of the situation and establish whether any enquiries have already been made. Is there evidence to support forced marriage (planned or conducted) and other abuses or crimes?
- Dissuade the third party and other agencies involved in the case from making enquiries and taking action independently of the police or (if overseas) the FMU.
- Find and document any evidence to confirm the threat of forced marriage and any related criminal offences such as rape. Do not place the victim at risk of harm to do this.
- If the third party needs support, refer them to an organisation with a history of assisting in cases of forced marriage and domestic abuse. These individuals will need to be risk assessed and treated as a “centre” of information but not updated in terms of action taken unless this is authorised by the Senior Investigating Officer or Officer In Charge.

Do NOT:

- **Communicate directly with the person's family, friends or those with influence within the community, as this may alert perpetrators to the enquiries being conducted and may place the victim in further danger.**
 - **Make direct contact with the British Embassy, High Commission or overseas police without first liaising with the FMU and/or the FCDO Law Enforcement Adviser.**
 - **Assume that the individual can speak freely on the phone; also consider whether someone else may be impersonating the victim.**
 - **Make direct contact with overseas law enforcement agencies without reference to a specialist supervisor experienced in managing such cases and the FMU.**
 - **Attempt to mediate between parties or between an individual and their family. Mediation can be extremely dangerous and can put the individual in danger.**
-

9.5 What to do when someone has already been forced into marriage

Many cases of forced marriage come to light when a person is reported missing or there are allegations of domestic and other forms of abuse, but some cases are brought to the attention of the police or social care when a victim is forced to act as a sponsor for their spouse's immigration to the UK. These are referred to as 'reluctant sponsor' cases. Reluctant sponsors are frequently reluctant to tell UK Visas and Immigration that it was a forced marriage because of threats and fear of reprisals from the family. A person whose application to enter the UK as a spouse is refused has a right to know the reasons why – and the right to appeal against the decision. This can place the victim in a difficult position. However, the FMU can give confidential advice in such cases.

Spouses forced into marriage may suffer years of domestic abuse but feel unable to leave due to fear of losing their children, lack of family support, economic pressures and other social factors. The fact that they were forced to marry may only become apparent years after the marriage has taken place.

In all cases, police officers need to discuss the options available to the person and the possible outcomes, or potential consequences, of their chosen course of action. Where cases involve person/s under the age of 18, positive action will need to be

taken in line with current legislation and other crimes which may have been committed⁴³.

Response:

- Follow the general action as set out in **chapter 3**.
- Refer to a Child Protection Officer, if the person is under 18 years of age.
- Refer to the responsible local authority, if the person is under 18 years of age or if they are over 18 and have a disability which means they are eligible for support.
- Record full details of the person together with details of the marriage including date and place.
- Record the name, address and date of birth of the spouse together with the interview dates for their visa (if known).
- Refer them, with their consent, to appropriate local and national support groups that have a history of working with survivors of domestic and 'honour'-based abuse and forced marriage. In high-risk cases, consider referring the case without consent. This decision should be taken carefully and should only be done if it will decrease the risk to a victim.
- Consider a referral to MARAC in high-risk cases.
- Refer to the FMU if the marriage has an overseas dimension or they have concerns about their spouse getting a visa.
- Consider referring the case to your force's kidnap and extortion process.
- If a person requires specific legal advice, suggest they consult a family solicitor.
- If they do not want to return to the family home, a strategy for leaving home should be devised, personal safety advice discussed and a risk assessment and management strategy (using the DASH model or other domestic abuse risk assessment used by your force) documented.
- If they wish to remain at the family home, try to maintain contact without placing them at risk. A risk management plan will still need to be compiled and recorded.
- Consider a FMPO.

9.6 What to do when a spouse has come to the UK from overseas

A spouse may come to the UK from overseas and report that they have been forced to marry overseas. In some cases they may not speak English and may not be aware of the support to which they may be entitled. Again, these cases may be reported initially as cases of domestic abuse, missing persons or child protection-related matters.

If the spouse does not have indefinite leave to enter (ILE), indefinite leave to remain (ILR), leave granted under the Destitution Domestic Violence Concession,

⁴³ Officers may wish to refer to the Authorised Professional Practice on Child Abuse: Child abuse (college.police.uk)

humanitarian protection, discretionary leave or a right of abode in the UK, then they are likely to have a restriction on receiving public funds. Public funds include income support and housing benefit. This means that it can be difficult to get access to a refuge (although occasionally refuges may be able to offer places). As a result, individuals may have difficulty in finding alternative accommodation and the means by which to live. This may lead individuals to feel they have no option but to remain in the marriage and to be unable to co-operate with police or anyone they see as being in a position of “authority”. Having no recourse to public funds, whilst being dependent upon a spousal visa, can sometimes result in non-UK victims not reporting criminality to the police. People in this position can be exploited because of their vulnerability, and suffer an array of criminal offences, including domestic servitude.

Best Practice:

- Follow the general action as set out on in **chapter 3**.
- Collect as much as possible of the information required in **chapter 4**.
- Refer to a Child Protection Officer, if the victim is under 18 years of age.
- If the victim is aged 18 or over, refer them to a local community safety/domestic abuse unit.
- Ensure the wishes, culture and values of the victim are recognised, respected and managed in a sensitive way. Note that victims may or may not feel comfortable speaking to someone from a similar cultural background as they may fear information being shared within the community. Document any decision made by the person.
- Refer the victim to the responsible local authority, if the person is under 18 years of age or if they are over 18 and have a disability which means they are eligible for support under section 17 Children Act 1989. Explain this places a general duty on every local authority to safeguard and promote the welfare of children within their area who are in need; and so far as is reasonably consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children’s needs.
- If the victim is to remain within the same home as the perpetrator(s), devise a risk assessment and management strategy (using the DASH model or other domestic abuse risk assessment used by your force).
- If the victim is planning to leave home, support them with advice on safety planning for remaining at home or leaving.
- Consider a FMPO.
- Arrange for the careful selection of an authorised interpreter who speaks their language and dialect. If necessary, obtain consent from them through Language Line. Establish any preferences regarding the gender of the interpreter. Consider requesting an interpreter from an alternative county if they are needed to attend in person.
- Refer the victim, with their consent, to appropriate local and national support groups, counselling services and specialist groups (such as women’s groups, or

LGBT groups) that have a history of working with survivors of domestic abuse and forced marriage.

- If you believe that immigration advice is required, refer the victim to an appropriate support agency, an Office of the Immigration Services Commissioner-approved immigration adviser or a solicitor.
- Provide the victim with written contact details of the trained/specialist officer dealing with the case to give to their solicitor, together with the crime reference number, where appropriate.
- Record any injuries to the victim, and, with consent, take a photograph. Consider arranging for a medical examination.
- Create an entry in the force intelligence system and submit a crime report if applicable (refer to National Crime Reporting Standards and get advice from your Force Crime Registrar if appropriate). Consider restricting this in line with force policy.

Do NOT:

- **Use a relative, friend, neighbour, child or those with influence in the community as an interpreter despite any reassurances from this known person. Information at the interview may be imparted to other members of the community and may put the victim at risk of further harm. You should always use an accredited interpreter.**
- **Attempt to give the victim immigration advice. It is a criminal offence for any unqualified person to give this advice.⁴⁴**

9.7 Legal position

Once a person has left the country, the legal options open to police, social services, other agencies or another person to recover a young person and bring them back to the UK are limited. However, it is possible to seek the return of the young person to the jurisdiction of England and Wales by making them a ward of court and/or taking out a FMO (see chapter 16 for further details).

A spouse who is the victim of a forced marriage can initiate nullity or divorce proceedings to end the marriage. Another protective order available under the Family Law Act 1996 is a non-molestation order. The Protection from Harassment Act 1997 also offers protection by way of a restraining order. Further information on these is set out below.

If the young person is under the age of 18, is present in the UK without their family and states that they were forced into marriage and do not wish to remain with their spouse, social services should consider the young person in the same manner as an unaccompanied asylum-seeking minor, and should accommodate the young person under (in England) s.20 Children Act 1989 or (in Wales) the Social Services and Well-being (Wales) Act 2014.

⁴⁴ S.84 & s.91 Immigration and Asylum Act, 1999

Local Authority Circular (LAC) 2003, 13 states that when a child has no parent or guardian in this country, the presumption should be that the child would fall within the scope of s.20 and become a child “looked after” by a local authority, unless the needs assessment reveals particular factors which would suggest that the child is not a looked after child. If the young person is under 18 and has children, they should still be regarded as an unaccompanied child.

Anyone who has been granted indefinite leave to enter or remain, refugee leave, humanitarian protection, discretionary leave or who has a right of abode in the UK has the same entitlements to public funds as a British citizen. Funding for legal advice (‘legal aid’) is not counted as public funds, and individuals may be entitled to legal aid whatever their immigration status. Children's social care may have the power to make discretionary payments. These payments do not count as public funds.

If they are a victim of domestic abuse, the domestic violence provisions under the Immigration Rules may apply. Under these provisions, police can provide evidence of domestic abuse in the form of a report confirming attendance at the applicant’s home because of domestic abuse. Police records and statements may be vital evidence in their immigration case. This evidence may be placed before an immigration hearing and a police officer may be called as a witness. Consider contacting the Home Office for funding for those with no recourse to public funds under the Destitution Domestic Violence Concession – this would be only for those making a domestic violence rule application under the spousal visa if the person is destitute. People should always seek legal advice before they do this. Also consider contacting a women’s organisation specialising in domestic abuse, immigration and no recourse to public funds.

For further information about applications for wardship, FMPOs and other legal remedies, see the good practice section at **chapter 16**.

Refer to the documents below:

Honour-Based Violence and Forced Marriage Protocol (NPCC and CPS), 2016.

[Honour-Based Abuse, Forced Marriage and Female Genital Mutilation: A Policing Strategy for England, Wales and Northern Ireland \(NPCC\), 2015.](#)

[Honour-Based Abuse Practice Summary \(College of Policing\), 2020.](#)

Honour-Based Abuse Advice for First Responders (College of Policing), 2021

[Authorised Professional Practice on Domestic Abuse – College of Policing, 2015.](#)

[Guidance on how to apply for a Forced Marriage Protection Order, HM Courts & Tribunal Service, 2017.](#)

[Working Together to Safeguard Children 2018](#)

[Safeguarding children at risk of abuse or neglect | GOV.WALES.](#)

[Safeguarding adults at risk of abuse or neglect | GOV.WALES.](#)

[Wales Safeguarding Procedures \(safeguarding.wales\)](#)

10. Crown Prosecution Service (CPS) Information

The CPS is committed to fairly and effectively prosecuting those who are found to harm others in the name of 'honour'.

The role of the CPS is distinct and separate from the police, who investigate a case once a crime is reported. The police will collate the evidence and submit a file to the CPS, which will then decide whether or not to prosecute. Prosecutors are required to review each case in accordance with the two-stage test as set out in the Code for Crown Prosecutors, when deciding whether or not to bring a prosecution.

Prosecutors must first be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge (the evidential stage). If the case does not pass the evidential stage, it must not go ahead, no matter how serious or important it may be.

If the case does pass the evidential stage, prosecutors must then go on to decide if a prosecution is needed in the public interest (the public interest stage). A prosecution will usually take place unless there are public interest factors tending against the prosecution which outweigh those tending in favour.

For further information on the legal protections available in forced marriage cases see chapter 16.

Key Principle:

The civil remedy will continue to exist alongside the criminal sanctions, which means a victim could choose to take the civil route (i.e. by taking out a FMPO), the criminal route (reporting it to the police and pursuing a prosecution, or both.

11. Registrars: Guidelines

Registrars can play a vital role in preventing forced marriages and civil partnerships from taking place. An individual who has already been forced into marriage or civil partnership has more limited choices, so every step must be taken to prevent the forced marriage or civil partnership from taking place. This chapter is designed for use by registrars and provides information on how to identify and deal with cases of forced marriage and civil partnership.

Registrars should be aware of the “one chance” rule (see page 41 for further details). That is, they may only have one opportunity to speak to a victim or potential victim and may possibly only have one chance to save a life. If the victim is allowed to leave without the appropriate support and advice being offered, that one chance might be wasted.

Civil partnerships in the UK are a form of civil union granted under the Civil Partnership Act 2004, allowing couples irrespective of sex to obtain the same rights and responsibilities as civil marriage. The guidance within this chapter covers all civil preliminaries to marriage and civil partnership, as well as civil marriage registration and any religious marriage registrations where a registrar is required to attend.

11.1 Forced Marriage/Civil Partnership, Human Rights and the Law

The Matrimonial Causes Act 1973, section 12(1)(c) states that a marriage shall be **voidable** if “either party did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind, or otherwise.” Section 50 of the Civil Partnership Act 2004 contains equivalent provision for civil partnerships. The Registrar General considers that **registrars can stop a marriage or civil partnership** from taking place if it appears that one party to the marriage or civil partnership lacks consent or capacity and that this would be justified on public policy grounds.

The Anti-Social Behaviour Crime & Policing Act 2014, sections 121 and 122, state that a person commits an offence if they “use violence, threats or any other form of coercion for the purpose of causing another person to enter into a marriage and believes that the conduct may cause the other person to enter into the marriage without free and full consent.” It also states that forced marriage is capable of being committed if a person lacks capacity, whether or not threats or duress play a part. If the person is found guilty, the maximum penalty is a seven-year prison sentence. The Act also makes it an offence to lure someone overseas for the purpose of forced marriage.

The Family Law Act 1996 section 63A gives family courts the power to make a Forced Marriage Protection Order (FMPO), for the purposes of protecting a person from being forced into a marriage or protecting a person who has been forced into a marriage. It is a criminal offence if a person, without a reasonable excuse, does anything that they are prohibited from doing by a FMPO (section 63CA Family Law Act 1996). The maximum penalty is a five-year prison sentence.

Forced civil partnership is not a criminal offence in England and Wales, and nor do FMPOs apply to civil partnerships. But this in no way stops registrars taking the appropriate action under the 2004 Act, as above, and the references to civil partnerships in the rest of this chapter relate to those responsibilities.

11.2 Giving Notice to Marry or form a Civil Partnership

Both parties have to give notice in person, to the Superintendent Registrar of the relevant district (for marriage) or to the relevant registration authority (for civil partnership) in the district where either party resides.

At this point registrars can make enquiries to ascertain whether the marriage or civil partnership may be forced. It is recommended that both of the parties intending to marry or form a civil partnership should be interviewed in private, independently of each other, without members of their families or communities present. This gives registration officers the opportunity to identify if an individual is under duress to marry or form the civil partnership, i.e. is not entering into the marriage or civil partnership of their own free will. Where possible, registrars should arrange for an independent interpreter, particularly if they have any concerns.

11.3 Capacity Concerns

The law states that if a person lacks the capacity to consent to marriage that marriage is classed as forced. It is also grounds for a marriage to be voidable. If through standard questioning a registration officer becomes concerned with either party's capacity to consent to marriage, the matter should be escalated to social services.

It is important to note that people who lack capacity may not demonstrate any signs of duress or distress. They may say that they want to marry or form the civil partnership and appear happy, but may not have the capacity to consent.

Registration officers will need to act with sensitivity and determine, through the use of open questioning, if the individual understands:

- that they are taking part in a marriage ceremony and understand the words used;
- the nature of the marriage or civil partnership contract, which means the person must be capable of understanding the duties and responsibilities which are normally attached to marriage or civil partnership.

If it is deemed that the individual does not have capacity to consent to a marriage or civil partnership, a caveat can be placed to ensure that the marriage or civil partnership does not proceed.

The Forced Marriage Unit can provide support to an individual if they disclose that they are being forced to marry or form a civil partnership. The police can help if an individual is in immediate fear for their safety. The General Register Office Casework Team can also offer further advice and guidance to registration officers. Keep in mind that either party, or both, can be victims. In some cases where an individual has a learning disability, a marriage or civil partnership could have been arranged in order for caring needs to be met.

11.4 The Wedding Ceremony

The law requires the consent of both parties to marriage or civil partnership, and a marriage or civil partnership must be stopped or deferred if there are concerns that one or both of the parties are not entering into the marriage of their free will or if there are any concerns that they do not have the capacity to consent. Registrars should refer to their own guidance on deferring or stopping ceremonies.

If a Superintendent Registrar considers that either party is acting under duress it is their duty to defer or stop the proceedings and discuss their concerns, in private, with the individual, or, if there are capacity concerns, make a referral to social services.

If the individual is worried for their safety, they should not be left alone with family or community members and Registrars should try to ensure that they do not leave the premises alone or with their family. Instead, the police/social services should be called.

There is no requirement for a ceremony in the case of a civil partnership, therefore it would be best practice to still follow the above guidance before the civil partnership is formed. This would include checking all the information is correct from the time the couple gave notice and having a conversation with them before the civil partnership declaration is signed.

Signs to look out for:

Many of the signs to look out for are the same ones as the signs registration officers may take into account when reporting a sham marriage or civil partnership. A sham marriage or civil partnership is one where the relationship is not genuine but one party hopes to gain an immigration advantage from it. There is no subsisting relationship or dependency. It is also possible that one party is forced or coerced into the sham marriage or civil partnership against their will, although one or both might also be consenting. Here are some additional considerations for forced marriages:

- Is either party showing signs of emotional distress?
- Does either party show signs of physical harm or assault?
- Are the parties accompanied by family or community members when giving notice of marriage/civil partnership?
- When giving notice of marriage/civil partnership, is one party doing all the talking or showing reluctance to let the other party be spoken to alone?
- Are the parties unable to converse in the same language?
- Is one party unable to provide facts about the other person that you would expect them to know, such as date of birth, occupation and address?

- Have allegations of a forced marriage/civil partnership been made by third parties?
- Is there a caveat in place on the system to prevent the marriage or civil partnership proceeding?
- Is there any evidence of a Forced Marriage Protection Order (FMPO)? (see chapter 16 for further information on FMPOs).
- Does the person have an awareness of what is going to happen?
- Is there a dependence on the other party or on family members for simple tasks relating to giving notice of marriage or civil partnership?
- Is the intended spouse or other family member answering questions on the other party's behalf?

Best Practice:

- Reassure the individual about confidentiality.
- Speak to the individual alone in a secure and private place if you are concerned.
- Respect and recognise the individual's wishes.
- Ensure the individual is dealt with in a sensitive way and their culture and values are recognised and respected.
- Arrange for an authorised and impartial interpreter who speaks the language of the individual if necessary. Do not use a relative, friend, community leader or neighbour as an interpreter.
- Consider any issues with regards to a person with learning disabilities/mental ill-health/dementia or cognitive impairment.
- Question whether you have reason to believe that the person does not have capacity to consent or that there are safeguarding concerns.
- Ask questions that allow the individual to consider their own needs and choices and not just those of their family.
- Explore with them what they understand about getting married or forming a civil partnership.
- Discuss with them their reasons for agreeing to the marriage or forming a civil partnership.
- Follow the general action as set out in chapter 3.

- Collect as much as possible of the information required in chapter 4.
- Consider putting a caveat in place if a forced marriage or civil partnership is suspected/there is a forced marriage protection order (FMPO) in place or if there are capacity issues.
- Consider referring to a relevant third party (FMU or police or social services) for more information or assistance.
- Provide the individual with contact details for the FMU and/or police.
- If the individual attempts to leave the premises with members of their family and community and you believe they may be in danger, try to prevent this where possible.

Do NOT:

- **Speak to the individual's family or community if you have concerns - this may put the individual at significant risk of harm.**
- **Rely on family or community members to act as an interpreter for you.**
- **Share information with anyone, unless you have the individual's consent or a legal gateway for sharing that information (see 11.5 below).**
- **Attempt to mediate between parties or between an individual and their family. Mediation can be extremely dangerous and can put the individual in grave danger.**
- **Assume they understand the implications of what they are doing.**
- **Assume consent just because they are agreeing to this course of action or seem pleased about it, as they may not understand what marriage or civil partnership actually is, or may have been coached by a third party.**

11.5 Confidentiality

Ensuring confidentiality is an extremely important issue for anyone facing a forced marriage/civil partnership. During an interview or marriage ceremony a registrar may suspect that an individual is in immediate danger or lacks the mental capacity to consent to the marriage or civil partnership. It is the registrar's duty to ensure that they are satisfied that the marriage or civil partnership can proceed. In these instances, concerns should be raised with the FMU, police or the local authority safeguarding team.

Where registrars disclose information, they will need to ensure that it is through an appropriate legal gateway and that only relevant information is shared. Each case

will need to be judged on its individual circumstances. Registrars will also need to consider that in some cases of forced marriage or civil partnership, disclosure could lead to the individual being at an even greater risk of significant harm.

The FMU can help you if you are concerned about issues of confidentiality in cases of forced marriage or civil partnership. The GRO Casework Team can also offer advice and guidance.

'My Marriage My Choice' have produced a range of resources which are helpful in terms of better understanding forced marriage of people with learning disabilities, and issues of consent. They can be found here:

[My Marriage My Choice - The University of Nottingham](#)

The FMU also provide a free online course on awareness of forced marriage, which can be found here:

[Forced Marriage Awareness - Free Course | Virtual College \(virtual-college.co.uk\)](#)

12. Children’s Social Care: Guidelines

Please note that arrangements for meeting the needs of children with needs for care and support in Wales are set out in the Social Services and Well-being (Wales) Act 2014, and in regulations and guidance made under it (see below). In particular, the Act strengthens safeguarding arrangements for children by placing on relevant partners a “duty to report” where they have reasonable cause to suspect that a child is at risk of abuse, neglect or harm. Partners including health, police, probation and youth offending teams will be required to inform the local authority where they have reasonable cause to believe a child to be at risk.

The Act introduces parallel provisions for relevant partners to report to the local authority someone suspected to be an adult at risk of abuse or neglect. This is supplemented by a new duty for the local authority to make enquiries to determine whether any action is required to safeguard people at risk. The Wales Safeguarding Procedures and All Wales Practice Guides provide information about what this means in practice.

In the rest of this chapter, the information provided relates only to England unless stated otherwise.

12.1 Background

Children’s social care plays a critical role in protecting the interests of the child or young person in forced marriage cases. They provide support not only by arranging practical help such as accommodation and financial support, but also by co-operating and working with other agencies such as police, healthcare and education professionals.

12.2 How children’s social care can make a difference

Any allegation of forced marriage may give rise to a child falling into the category of a child being in need pursuant to section 17 of the Children Act 1989.⁴⁵ An allegation of forced marriage may also lead to an investigation being carried out under section 47 of the Act. Under section 47, where a local authority has reasonable cause to suspect that a child (who lives in or is found in their area) is suffering or is likely to suffer significant harm, it has a duty to make such enquiries as it considers necessary to decide whether to take any action to safeguard or promote the child’s welfare.

Forced marriage is a form of child abuse that places children and young people at risk of neglect, physical, emotional (including psychological) and sexual abuse. Children’s social care have a duty to identify children who are likely to suffer

⁴⁵ Section 17 Children Act 1989 provides a general duty on every local authority to provide services to children who are in need in their area.

significant harm, and to invoke the necessary procedures to safeguard children. The personal safety of the child or young person must be paramount.

Local authorities, with their partners, should develop and publish local protocols for assessment of children where there is a safeguarding concern. A local protocol should set out clear arrangements for how cases will be managed once a child is referred into local authority children's social care and be consistent with the requirements of statutory guidance. The detail of each protocol will be led by the local authority in discussion and agreement with the safeguarding partners and relevant agencies where appropriate.

The local authority is publicly accountable for this protocol and all organisations and agencies have a responsibility to understand their local protocol.

The local protocol should reflect where assessments for some children will require particular care. This is especially relevant for cases relating to children involved in forced marriage.

Existing statutory safeguarding options can be used to protect a child at risk of forced marriage, such as Child in Need Plans, Child Protection Plans, the Public Law Outline or care proceedings. Local safeguarding partners should always consider the additional protection afforded by a Forced Marriage Protection Order (FMPO), which can be sought for the protection of children who have travelled overseas as well as those in the UK.

12.3 Legal options

There are a range of court orders that may be used to protect children and young people. If the risk of forced marriage is immediate, it may be necessary to take emergency action to remove the child or young person from the home in order to protect them. There are a number of approaches to emergency protection, and staff may wish to take advice from their legal department.

A child or young person can be assisted by children's social care to receive protection under the Family Law Act 1996 and the Protection from Harassment Act 1997. Under these Acts the following orders may be sought:

- FMPO
- Non-molestation order
- Injunction against harassment

Once a child or young person has left the country, the legal options open to children's social care, other agencies or another person to recover the child or young person and bring them back to the UK are more limited. Applying for a FMPO is often the best course of action.

Depending upon the circumstances and the child's age it may be appropriate for the local authority to apply for a care order, under section 31 of the Children Act 1989. A care order can only be obtained when a child is under the age of 17, or 16 if the child is married.

If the young person cannot be the subject of a care order, the local authority can, nevertheless, assist: either by accommodating the young person under section 20 of the Children Act 1989 or by providing services under section 17 of the Children Act 1989 or in Wales as a child in need of care and support under the Social Services and Well-being (Wales) Act 2014.

A young person who has been the subject of a forced marriage and is at risk of harm from their family is likely to fall within the definition of s.20 Children Act 1989. The young person may, themselves, ask the local authority for accommodation. The request does not need to come from the parents.

12.4 What to do when a child or young person fears they may be forced into marriage

A child or young person may approach children's social care because they are going on a family holiday overseas and they are concerned about this. They may have been told that the purpose is to visit relatives, attend a wedding or because of the illness of a grandparent or close relative. The child or young person may suspect that this is a ploy and that there is an ulterior motive, which is to force them to marry. Or it may be that children have expressed concerns to school or other professionals about arrangements being made for their wedding or engagement in the UK. Children may be withdrawn from school or prevented from accessing higher education. They may also self-harm or attempt suicide. There may also be a history of forced marriage within the family, controlling behaviour from parents or siblings or threats of domestic and 'honour'-based abuse. All efforts should be made to establish the full facts of the case at the earliest opportunity. Please see pages 36-37 for a full list of warning indicators.

Do **not** assume that a child or young person is at risk of being forced into marriage simply on the basis that they are being taken on an extended family holiday.

Response:

- Follow best practice guidance in **chapter 3** which should be followed for all forced marriage cases.
- Collect information as set out in **chapter 4**.
- Check police and social care records for past referrals of family members, relating for example to domestic abuse, missing persons within the family, siblings being

forced to marry or unreasonable restrictions on children. Check with schools/colleges for any known concerns within the family.

- Ascertain whether the child holds dual nationality, as this may impact on the support that can be offered if they are taken out of the UK.
- Consider seeking advice from the local authority legal department.
- Consider obtaining a court order such as a FMPO to protect the child or young person or to prevent them being taken overseas.
- Refer them, with their consent, to appropriate local and national support groups that have a history of working with survivors of domestic abuse and forced marriage.

Do NOT:

- **Go directly to the young person’s family, friends, or those people with influence within the community, as this will alert them to your enquiries and may place the young person in further danger.**
- **Immediately suggest mediation for the family or family group conferences in response to forced marriage concerns as this may increase the risk to the child.**

12.5 What to do when a third party reports that a child or young person has been taken overseas for the purpose of a forced marriage

Once the child is overseas, the risks to their safety and wellbeing are increased. As with all cases of forced marriage, confidentiality and discretion are vitally important. It is not advisable to immediately contact an overseas organisation to make enquiries. If, through your actions, the family becomes aware that enquiries are being made, they may move the child or young person to another location or expedite the forced marriage. Although the child will no longer be in the jurisdiction of England and Wales, there are steps that children’s social care can take, alongside the police and UK courts, to protect and recover a child who is at risk of forced marriage. FMPOs can be applied for when the child is already out of the UK and can be used successfully to repatriate the child. Children’s social care have an automatic right to apply for a FMPO; they do not need the permission of the court to do so. Children’s social care may also be able to work with local organisations to facilitate support for and repatriation of the child where a FMPO is not viable.

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Samera’s Story

Samera, 15, from Cardiff, was told she had to go to Somalia to visit her grandmother who was unwell. When Samera arrived in Somalia her mother dropped her off at a boarding school and took her passport away. She told Samera that she was not allowed to leave until she agreed to marry an older man whom she had been betrothed to. The guards at the boarding school were physically abusive to her. Samera had kept a secret phone hidden and managed to call her friend in the UK. Her friend called children’s social care to report what had happened. Children’s social care applied for a Forced Marriage Protection Order and this was served on

Samera's mother, ordering her to make all of the arrangements to bring Samera back into the UK.

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Response:

In addition to the general action as set out in **chapter 3 and above:**

- Liaise with the police and check existing missing person reports. It may be worth considering making a missing person report if you are not able to ascertain where the child is.
- Obtain details of, and maintain contact with, the third party in case the young person contacts them whilst overseas or on their return.
- Consider asking an Education Welfare Officer/School Attendance Officer to make enquiries about the child's absence or withdrawal from school.
- Extreme care should be taken not to disclose information to the overseas police or any other overseas organisation that could place the young person in further danger, for example disclosure about previous/current boy/girlfriends or partners in the UK.
- Reassure the third party that if the child or young person being held overseas wishes to return to the UK (if they are a British national), the Foreign, Commonwealth & Development Office may be able to assist their repatriation and will try to do so as quickly as possible.
- Dissuade the third party and others from making enquiries and taking action independently of children's social care and the police.

12.6 If a child or young person has already been forced into marriage

There may be occasions when a child or young person approaches children's social care or the police because they have already been forced into marriage. Their spouse may or may not be in the UK.

If the spouse is already in the UK then existing safeguarding procedures should be followed to ensure that the child is not at risk of abuse from their spouse. Children may be particularly at risk of sexual abuse as they may be expected to consummate the marriage that they have been forced into.

If the spouse is not already in the UK, the child may be concerned that they will be forced to act as a sponsor for their spouse's immigration to the UK once they turn 18.

Confronting the family may be extremely risky for the child or young person. They may not get the support they hope for and further pressure may be put on them to support the visa application. Discuss such risks with the child or young person in order to safeguard them.

A spouse who is the victim of a forced marriage can initiate nullity proceedings at any time, or divorce proceedings when more than a year has passed since the marriage. The child or young person should be informed that a religious divorce would not end the marriage under UK law.

If the young person is under the age of 18, is present in the UK without their family, and states that they were forced into marriage and do not wish to remain with their spouse, then children's social care should consider the child or young person in the same manner as an unaccompanied asylum-seeking minor, and should accommodate the young person under s.20 Children Act 1989 or the Social Services and Well-being (Wales) Act 2014.

Local Authority Circular (LAC) 2003 (13) states that where a child has no parent or guardian in this country, the presumption should be that the child would fall within the scope of s.20 Children Act 1989 and become a child "looked after" by a local authority, unless the needs assessment reveals particular factors which would suggest that the child is not a looked after child.

If the young person is under 18 years old and has children, they should still be regarded as an unaccompanied child. Anyone who has been granted indefinite leave to enter or remain, refugee leave, humanitarian protection, discretionary leave or who has a right of abode in the UK has the same entitlements to public funds as a British citizen.

Funding for legal advice ('legal aid') is not counted as public funds, and children and young people may be entitled to legal aid whatever their immigration status.

Children's social care may have the power to make discretionary payments. These payments do not count as public funds.

Children's social care records and statements may be vital evidence in a child or young person's immigration case. This evidence may be placed before an immigration hearing and children's social care may be called as a witness.

Response:

- Follow the general action as set out in **chapter 3**.
- Collect as much as possible of the information required in **chapter 4**.
- Record full details of the young person together with details of the marriage including date and place.
- Record the name, address and date of birth of the spouse together with interview dates for their visa (if known).
- Refer to the FMU if the marriage has an overseas dimension or if the child or young person has concerns about their spouse getting a visa.
- If they require specific legal advice suggest they independently consult a family panel solicitor.
- If the child or young person does not want to return to the family home, then a strategy for leaving home should be devised and personal safety advice discussed.

- If the child or young person wishes to remain at the family home, try to maintain contact without placing them at risk and consider whether a FMPO or another protection order is needed to help monitor the situation.
- Use legal remedies (see chapter 16) to protect the child or young person from family members if they decide to leave the family home or wish the spouse to leave the family home.

12.7 When a child or young person is repatriated

Sometimes the FMU may ask children's social care for assistance when a child or young person is being repatriated to the UK from overseas.

In these cases, the child or young person may be extremely traumatised and frightened. They may have been held against their will for many months and they may have suffered emotional and physical abuse including rape, sometimes repeatedly or until they become pregnant. Sometimes a child or young person will have risked their life to escape and their family may go to considerable lengths to find them. This makes all victims particularly vulnerable when they return to the UK.

When a child or young person who is a British national arrives at, or contacts, a British Embassy or High Commission, the FCDO can try to repatriate them at the earliest opportunity if possible. The FCDO will always give social care as much notice of the child's or young person's arrival as possible, although sometimes, due to the urgency of the situation, notice is limited.

As far as possible, the FMU will work with the relevant authority in the UK which is applying for a FMPO, to seek to ensure that the costs of return fall on the perpetrators. Where this is not deemed by the relevant authority to be safe, or appropriate, the FMU will identify other potential sources of support. The cost of return should not delay a victim seeking, or receiving, assistance to do so.

The child or young person may need practical help, for example emergency cash, clothes and toiletries. Under section 17 Children Act 1989, social care services may make a payment for a child in need, including the cost of accommodation. The local authority within which the child or young person had their last permanent residence should provide section 17 funding.

Response

- Arrange for someone to accompany the child through the departure airport, for example airport police, airline staff or airport staff.
- Arrange for someone to meet the child or young person in the arrivals hall, for example a social worker, police officer or a reliable, sympathetic adult. Where necessary, contact an appropriate national support agency for further advice on assisting repatriated victims of forced marriage.
- Inform police if there is a risk that family members will try to abduct the young person at the airport.
- Consider use of section 17, Children Act 1989 funding for essential and personal care items

- Consider whether it is appropriate to apply for an EPO or an interim care order.
- Organise safe and secure accommodation.

12.8 When it is not safe for a child to return to their family

Where the assessment of the child's needs identifies that there is a possibility that a child is suffering significant harm attributable to parental care – which is often the case when parents force a child into marriage – then the local authority must consider taking legal action to protect the child. This might involve an application for an EPO and/or an application for a care order so that the child becomes “looked after” by the local authority. This effectively means that the local authority will share parental responsibility and specify where the child might live safely.

Alternatively, if the young person cannot be the subject of a care order, the local authority may assist by accommodating the young person under section 20 of the Children Act 1989.

Any person who has parental responsibility for a child may at any time remove the child from accommodation provided by or on behalf of the local authority under section 20 of the Children Act 1989.

If a person who has parental responsibility seeks to remove the child or young person from the accommodation provided by the local authority, the local authority may need to consider taking urgent legal action to ensure that the child is safeguarded.

Care Planning

Children and young people who have been forced to marry and those who are estranged from their families because of their refusal to accept a forced marriage often require long-term accommodation to help them live away from their families and start a new life.

Every looked-after child must have a care plan, which includes information about the child's emotional and behavioural development and what support is available through a care placement to meet the needs of the child. It is important to ensure the child's care plan adequately addresses the specific harms the child has suffered as a result of attempts to force them into marriage.

If a decision is made to place a child or young person with a foster family, it may not be appropriate for them to live with a foster carer from the same community as their birth family. The current regulations⁴⁶ make clear that, while children should be cared for in a way that recognises and respects their individual identity, their ethnicity, culture, religion and linguistic background are only factors for consideration when identifying the best foster family for a child.

A child or young person coming into care may need, and want, to be placed out of their local authority area to ensure they feel safe and are protected from harm, especially where a risk of forced marriage has been identified. Such placements

⁴⁶ [Children Act 1989: care planning, placement and case review - GOV.UK \(www.gov.uk\)](http://www.gov.uk), and for Wales see the Care Planning, Placement and Case Review (Wales) Regulations 2015

demand effective planning, engagement and information sharing between the placing local authority and the services local to the placement, including, for example, the local Virtual School Heads or Looked After Children Education (LACE) coordinator, who can help to identify appropriate school provision.

The child's allocated Independent Reviewing Officer (IRO) has a crucial role in placement decisions. They are responsible for ensuring that age-appropriate discussions are held with the child about their care and supporting them to access advocacy services, if needed. It is essential that their views are sought and listened to as part of that decision-making process.

It may not be appropriate to discuss the placement with the child's relatives or parents, especially where the child has been identified as at risk of forced marriage. Their role in decision-making will largely be determined by the care order in place as will the way in which the child continues to have contact with their family.

The local authority will need to take the child's or young person's wishes and feelings into account in planning for their care and, once they feel safe, they may wish to move to accommodation that is more independent. The local authority will be responsible for helping to identify options for the young person's future accommodation and supporting them through this transition. Depending on the length of time that they will have been "looked after", the young person may be entitled to continuing support from leaving care services. This means that if a young person has been "looked after" by the local authority for 13 weeks or more, even if the young person ceases to be "looked after", the local authority still has a duty to support them.

Personal Advisers should ensure that Pathway Plans are in place for young people leaving care in order to adequately address any outstanding community or family safety concerns in their move towards independence. They may need to assist young people to take steps to maintain their anonymity, such as by changing their name or National Insurance number.

Always Consider:

- For Looked After Children (with the child's or young person's involvement), whether an out of area placement would be the most suitable placement.
- For Looked After Children, ensure Virtual School Heads, Designated Safeguarding Leads, LACEs and IROs have access to this guidance.
- For children accommodated under s.20, with the child's or young person's consent, accommodating or relocating them within a different local authority where this is the most suitable placement. This may require a transition period when funding and support need to be negotiated.
- Referring them, with their consent, to appropriate local and national support groups, counselling services and (where applicable) women's groups which have a history of working with survivors of domestic abuse and forced marriage.
- Taking active steps to ensure that the child's or young person's identity, together with their benefits and other records, is kept confidential and that the child is safeguarded from any perpetrators within the family. This may involve seeking

legal advice for a child or young person to change their name and National Insurance number.

12.9 When a spouse has come to the UK from overseas

A spouse may come to the UK from overseas and report that they have been forced to marry overseas. Consequently, they may be suffering domestic abuse or they may have run away. The child or young person may not speak English and may not be aware of the support to which they may be entitled. Again, these cases may be reported to practitioners initially as cases of domestic abuse, missing persons or child protection.

If a young person does not have indefinite leave to enter (ILE), indefinite leave to remain (ILR), humanitarian protection, discretionary leave or a right of abode in the UK, then they are likely to be the subject of a restriction on access to public funds.

Practitioners may not be aware that a young person who is married is entitled to support and that they should still be regarded as an unaccompanied child – therefore, the local authority has certain duties to provide support and accommodation for them (see legal position below).

Response

- Follow the general action as set out in **chapter 3**.
- Collect as much as possible of the information required in **chapter 4**.
- Ensure the child or young person is dealt with in a sensitive way and that their wishes, culture and values are recognised and respected.
- Record any injuries and arrange a medical examination.
- Arrange for an authorised interpreter who speaks the dialect of the child or young person. If necessary, obtain consent from the child or young person through Language Line. Establish any preferences regarding the gender of the interpreter.
- Refer them, with their consent, to appropriate local and national support groups, counselling services and (where applicable) women's groups that have a history of working with survivors of domestic abuse and forced marriage.
- If you believe that immigration advice is required, refer them to an appropriate support agency, an OISC approved immigration adviser or a solicitor.
- Provide the child or young person with written contact details of the social worker handling their case to give to their solicitor.
- If the child or young person has a disability they will be entitled to an assessment of their needs.
- Consider a National Referral Mechanism referral if the child has been brought to the UK specifically for the purpose of forced marriage or other forms of trafficking.

Do NOT:

- **Use a relative, friend, community leader or neighbour as an interpreter - despite any reassurances from this known person. Information at the interview may be imparted to other members of the community and put the young person at risk of harm.**
 - **Attempt to give the child or young person immigration advice. It is a criminal offence for any unqualified person to give this advice.**
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12.10 Safeguarding disabled children and young people

There have been reports of children and young people with mental ill health, or learning and physical disabilities, being forced to marry. In order to find a spouse, parents may accept a spouse whom they would normally view as unacceptable – such as someone from a lower caste or social group. Sometimes, to ensure a potential spouse is not put off, families may try to hide, play down or make light of a child's or young person's disability. Another motive for forcing a child or young person with a disability to marry is to make certain they will have someone to care for them after their parents have died.⁴⁷

Some children and young people with a disability will not have the capacity to consent to marriage. Indeed children under the age of 16 cannot legally in the UK consent to marriage and those aged 16 or 17 can only do so with permission from someone with parental responsibility or from a court. Others may have capacity but be easily coerced or tricked into marriage. Some may be unable to consent to consummate the marriage – sexual intercourse without consent is a serious sexual offence, for example rape. There exists a range of offences within the Sexual Offences Act 2003 to capture non-consensual sexual activity, including causing a person to engage in sexual activity without consent, and the sexual abuse or exploitation of those with a mental disorder, and those with a mental disorder that impedes choice.

Disabled children and young people are particularly vulnerable to forced marriage because they are often reliant on their families for care. They may have communication difficulties and they may have fewer opportunities to tell anyone outside the family about what is happening to them.

All safeguards which are in place to protect non-disabled children from forced marriage apply to disabled children. However, good practice requires agencies to pay specific attention to factors which can ensure that children and young people with disabilities are supported to help themselves, and to identify where they are unable to do so.

⁴⁷ Ann Craft Trust (2012) Forced Marriage of People with Learning Disabilities: Final Report
My Marriage, My Choice (2018) Summary of Findings

Good practice should include:

- Listening to disabled children and young people and making sure they know how to raise concerns – always consider whether a communication specialist is needed if a child or young person is deaf, is visually impaired or has a communication impairment.
- Ensuring disabled children and young people have access to adults outside the family to whom they can turn for help.
- Carrying out mental capacity assessments where there are concerns that someone aged 16 or over does not have the capacity to consent to marriage or sexual relationships.
- Providing training for and raising awareness about forced marriage amongst staff who care for disabled children and young people.

Disabled children and young people are defined as “children in need” under section 17 of the Children Act 1989. The 2018 revision of the statutory guidance, ‘Working Together to Safeguard Children’, gives a comprehensive framework for local authorities’ duties for safeguarding all children, including disabled children.

Other key legislation and guidance includes:

- Working Together to Safeguard Children – HM Government, 2018
- ‘What to do if you are worried a child is being abused’ – HM Government, 2006
- Children Act (1989)
- Children Act (2004)
- Homelessness Act (2002)
- Sexual Offences Acts (1956 and 2003)
- Mental Capacity Act 2005

In Wales:

- [Social Services and Well-being \(Wales\) Act 2014: Working Together to Safeguard People Volume 5 – Handling Individual Cases to Protect Children at Risk](#)
- [Wales Safeguarding Procedures](#)
- [All Wales Practice Guide- Safeguarding children from harmful practices related to tradition, culture, religion or superstition](#)

13. Adult Social Care: Guidelines

Please note that arrangements for meeting the needs of adults with needs for care and support in Wales are set out in the Social Services and Well-being (Wales) Act 2014, and in regulations and guidance made under it (see below). In particular, the Act strengthens safeguarding arrangements for adults by placing on relevant partners a “duty to report” where they have reasonable cause to suspect that an adult is at risk of abuse, neglect or harm. Partners including health, police, probation and youth offending teams will be required to inform the local authority where they have reasonable cause to believe an adult to be at risk.

This is supplemented by a new duty for the local authority to make enquiries to determine whether any action is required to safeguard people at risk.

In the rest of this chapter, the information provided relates only to England unless stated otherwise.

13.1 Background

Adults with care and support needs can be particularly vulnerable to forced marriage.⁴⁸

In order to find a spouse for an adult with care and support needs, parents may accept a spouse whom they would normally view as unacceptable – such as a person from a lower caste or social group. Sometimes, to ensure a potential spouse is not put off, families may try to hide, play down or make light of a person’s disability. Another motive for forcing an adult with care and support needs to marry is to make certain they will have someone to care for them when their parents are no longer able to do so. Sometimes families do not consider the ‘arranging’ of a marriage for a son or daughter who lacks capacity to consent to be a forced marriage. They often believe they are doing the ‘right’ thing, particularly if ‘force’ is not a feature of the marriage.

Some adults with care and support needs may not have the mental capacity to consent to a marriage (see chapter 7: Supporting Victims with Learning Disabilities).

⁴⁸ Previously the term “vulnerable adult” has sometimes been used to describe a person over 18 “who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is, or may be, unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation.” (No Secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse, HO & DH, 2000; and In Safe Hands: Implementing Adult Protection Procedures in Wales, July 2000 (WAG)) It is recognised that the term “vulnerable adult” is unacceptable to some people with disabilities as it is frequently other people, the environment and social circumstances which make people with disabilities vulnerable and not their disability *per se*. Therefore, the term “adult with care and support needs” is used throughout this document to refer to those who fall within the commonly accepted definition of “vulnerable adult”.

Some may be unable to consent to consummate the marriage – sexual intercourse without consent is a serious sexual offence. Compelling, inciting or facilitating a person with impaired capacity for choice to engage in sexual activity without consent is also an offence under the Sexual Offences Act 2003. Additionally, the spouse may also become a victim of physical, sexual or emotional harm.

Adults with care and support needs may be particularly vulnerable if they are reliant on their families for care – they may have communication difficulties, they may have fewer opportunities to tell anyone outside the family about what is happening to them, or they may not recognise the marriage as forced.

13.2 How adult social care professionals can make a difference

The Care Act 2014 placed adult safeguarding for individuals with care and support needs on a statutory footing (in Wales the Social Services and Well-being (Wales) Act 2014 applies). Both Acts highlight the need for cooperation and partnership across organisations to prevent abuse and neglect of adults with care and support needs. Where an adult with care and support needs appears to be at risk of or experiencing abuse or neglect and unable to protect themselves, then under Section 42 of the Care Act 2014, the local authority must carry out safeguarding enquiries. (Similar responsibilities apply under section 19 of the Social Services and Well-being Wales Act 2014.) Agencies have a role to play in ensuring that adults with care and support needs are able to help themselves. Good practice should include:

- Listening to adults with care and support needs – especially those with learning disabilities and mental capacity issues – and making sure they know how to raise concerns.
- Ensuring adults with care and support needs have access to trusted adults or professionals outside the family to whom they can turn for help.
- Providing training and raising awareness about forced marriage amongst staff who care for and support adults with care and support needs.

Some cases of forced marriage take place in the UK; in other cases an adult with care and support needs may be taken overseas and forced to marry. In either situation, adult social care professionals, including social workers, should be ready to give guidance to the person about their rights and the choices open to them, and to take action in partnership with other agencies to protect them from harm.

Each Local Authority will have local protocols and procedures to protect adults with care and support needs from abuse. The Care Act requires each local authority to set up a Safeguarding Adults Board (SAB) in order to provide assurance that local safeguarding arrangements and partners are acting to help and protect adults who they suspect are at risk of abuse or neglect. Wales has regional Safeguarding Adults Boards whose function is to prevent, and to protect adults with care and support needs, from abuse or neglect. Key legislation and guidance include:

- The Forced Marriage (Civil Protection) Act 2007
- The Care Act 2014
- The Mental Health Act 1983
- The National Health Service and Community Care Act 1990

- The Carers (Recognition and Services) Act 1995
- The Sexual Offences Act 2003
- The Domestic Violence, Crime and Victims Act 2004
- The Anti-social Behaviour, Crime and Policing Act 2014
- The Mental Capacity Act 2005

In Wales:

- Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015
- Working Together to Safeguard People - Volume 4 – Adult Protection and Support Orders 2016
- Working Together to Safeguard People - Volume 6 – Handling individual cases to protect adults at risk 2018
- Wales Safeguarding Procedures: Adults at risk

13.3 Legal position

If an individual lacks the capacity to consent to marriage, no one else may make the decision to marry on their behalf. They cannot therefore legally get married. One course of action is for the local authority to make an application to the Court of Protection under the Mental Capacity Act 2005 for orders to protect them (declaratory relief). If satisfied that the adult lacks capacity the court can grant a declaration to this effect. The court can also grant injunction(s) to restrain family members from arranging a marriage for them or to prevent them being taken overseas for the purpose of a marriage.⁴⁹

If an adult with suspected learning disabilities has left the country and there is a suspicion that they will be forced marriage and it is not known whether they lack the capacity to consent to marriage, it is recommended that consideration be given to applying for a Forced Marriage Protection Order (FMPO) to ensure they are returned. Following that, a capacity assessment would need to be carried out to determine their capacity to consent to marriage.

While an adult with care and support needs can make an application in their own name, acting with the assistance of a “litigation friend”, they may not be in a position to take such action because of their personal circumstances. In this case, you may need to consider whether the local authority should do so.

A spouse who is the victim of a forced marriage can initiate nullity proceedings (as long as these are initiated within three years of the date of the marriage) or divorce proceedings to end the marriage. They should be informed that a religious divorce would not end the marriage under UK law.

⁴⁹ Refer to the “Practice Note: Official Solicitor: Declaratory proceedings: Medical and Welfare Decisions for Adults who lack Capacity” which can be found on the Official Solicitor’s website at www.officialsolicitor.gov.uk

Adults with care and support needs can also take action to protect themselves under the Family Law Act 1996 and the Protection from Harassment Act 1997. Under these Acts the following orders may be sought:

- FMPO
- Non-molestation order
- Occupation order
- Injunction against harassment

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Irfan’s Story

Irfan, 29, from Leeds, has a learning disability and accesses a day centre four days a week. Irfan’s father was approached by a priest who informed him that his son’s disability would improve if he went overseas and married the priest’s niece Miriam. Irfan’s father returned back to the family home to plan the marriage. He informed the centre that Irfan would be travelling out of the country to get married. Fortunately, the day centre staff reported this information to Irfan’s social worker. The social worker handled this as a safeguarding issue and obtained a Forced Marriage Protection Order to protect Irfan from being taken overseas.

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13.4 What to do when an adult with care and support needs fears they may be forced into marriage

An adult with care and support needs may approach an adult social care professional, their local authority or social care provider because they are going on a family holiday overseas and they are concerned about this. They are often told that the purpose is to visit relatives, attend a wedding or because of the illness of a grandparent or close family relative. They may suspect that this is a ploy and that there is an ulterior motive, which is to force them to marry.

Do **not** assume that an adult with care and support needs is at risk of being forced into marriage simply on the basis that they are being taken on an extended family holiday. These assumptions and stereotypes can cause considerable distress to families. All efforts should be made to establish the full facts of the case at the earliest opportunity.

Response:

- Follow the general action as set out in **chapter 3** and collect as much as possible of the information required in **chapter 4**.
- Discuss the case with the Forced Marriage Unit (FMU).
- If the person’s capacity to consent is in doubt, have their capacity to consent to marriage and sexual relationships assessed.

- Consider whether a communication specialist is needed if a person is hearing or visually impaired or has a learning disability.
- If the risk of forced marriage is immediate, it may be necessary to take emergency action to remove them from the home in order to protect them. Advice should be sought from the local authority legal department and consideration should be given to whether the adult with care and support needs wants to leave home and has the capacity to make this decision for themselves.

13.5 What to do when there are warning indicators that an adult with care and support needs will be forced into marriage

Sometimes an adult with care and support needs may not be able to communicate concerns that they will be forced into a marriage. Or they may not be aware of plans to force them into marriage. However, there may be significant warning signs (as outlined on pages 36-37) that there is a risk.

Again, it is important not to make assumptions, but to thoroughly investigate in order to ascertain whether there is sufficient evidence of a risk of forced marriage. If possible, it is best practice to discuss these concerns with the adult with care and support needs to establish their understanding of the situation and evaluation of the risk. However, in some cases this may escalate the risk if it is likely that the adult with care and support needs will report your concerns to the family/perpetrators. The response as above should be followed in this situation.

13.6 When a third party reports that an adult with care and support needs has been taken overseas for the purpose of a forced marriage

Sometimes it may be a concerned friend, relative, partner, agency, teacher or carer who reports that an adult with care and support needs is missing. These cases may initially have been reported to the FMU, police, education professionals or a voluntary group, who will have then passed the concerns to a local authority.

In this situation existing safeguarding procedures should be followed and the response as above would apply. In addition, it is helpful to keep in contact with the third party so as to stay updated on any contact they may receive from the adult with care and support needs. Where possible it is best practice to establish direct contact with the adult with care and support needs to ascertain their wellbeing and the risk of forced marriage.

It may be helpful to consider whether there is sufficient evidence to obtain a Forced Marriage Protection Order to facilitate the safe return of the adult with care and support needs to the UK.

Do NOT:

- **Go directly to the person's family, friends, or those people with influence within the community, as this will alert them to your enquiries and may place the person in further danger.**
 - **Attempt to be a mediator or encourage mediation, reconciliation, arbitration or family counselling.**
-

13.7 If an adult with care and support needs has already been forced into marriage

Although many cases of forced marriage come to light when an adult with care and support needs is reported missing or there are allegations of abuse and domestic abuse, some cases are brought to the attention of social workers or the police when the adult with care and support needs is forced to act as a sponsor for their spouse's immigration to the UK. They are frequently reluctant to tell UK Visas and Immigration that it was a forced marriage because of threats and fear of reprisals from the family, they may not be able to communicate or they may not understand that they were not able to give valid consent for the marriage. A person whose application to enter the UK as a spouse is refused has a right to know the reasons why - and the right to appeal against the decision. This can place the adult with care and support needs in a difficult situation.

Confronting their family may be extremely risky for the adult with care and support needs. They may not get the support they hope for and further pressure may be put on them to support the visa application. These risks must be discussed with them if only to exclude this option.

A person may wish to prevent a successful visa application for their spouse. There are ways a visa application can be refused, although this sometimes cannot be done without all parties concerned being aware that the person does not wish to sponsor their spouse's visa application. The FMU can be contacted to talk through the person's options.

Cases of forced marriage may initially be reported to adult social care professionals, including social workers, as cases of domestic abuse. Either spouse forced into marriage may experience years of domestic abuse, but may be unable to leave due to fear of losing their children, lack of family support, economic pressures and other social circumstances. The fact that they were forced to marry may only become apparent years after the marriage has taken place.

Response:

- Follow the general action as set out in **chapter 3** and collect as much as possible of the information required in **chapter 4**.
- Record full details of the adult with care and support needs together with details of the marriage, including date and place.

- Record the name, address and date of birth of the spouse together with the interview dates for their visa (if known).
- With their consent refer them to the FMU if they have concerns about their spouse getting a visa. If the person does not have capacity to consent to marriage and you have concerns about their spouse getting a visa, consider reporting this without consent.
- Support them in accessing a family panel solicitor for legal advice.
- If the person does not want to return to the family home, then a strategy for leaving home should be devised and personal safety advice discussed.
- If the adult with care and support needs wishes to remain at the family home and has capacity to make this decision, try to maintain contact without placing them at risk.
- Consider maintaining contact using community workers, health workers etc..

13.8 When an adult with care and support needs is repatriated to the UK from overseas

In cases where the FMU have been notified of an adult with care and support needs who is at risk of forced marriage, the FMU will notify adult social care at the earliest opportunity. However, in some situations adults may not give consent for this referral and the FMU will only be able to refer without consent if there are imminent safeguarding concerns.

A referral may be sent to adult social care by the FMU at the point where an adult with care and support needs is due to return to the UK and will require additional support once in the UK. As much notice as possible will be given to adult social care of this plan. For further information on how adult social care and the FMU can work together to support adults with care and support needs please see: [adass-fco-consular-assistance-guidance-final-march-2019.pdf](https://www.adass-fco-consular-assistance-guidance-final-march-2019.pdf)

Response:

- Arrange for someone to meet them at the arrivals hall of the airport, for example a social worker, police officer or reliable, sympathetic adult.
- Inform police if there is a risk that family members will try to abduct them at the airport.
- Organise safe and secure accommodation if it is not safe for them to return to their home and they consent to this.
- Inform the police that the person's family may attempt to locate them.
- Note that they may need practical help, for example emergency cash, clothes and toiletries.
- The local authority within which the adult with care and support needs had their last permanent residence should provide funding.

Do:

- With the person's consent, consider whether it is necessary to relocate them with a different local authority.
 - Consider the person's care and support needs, including those to be assessed and met under the Care Act. This may require a transition period where funding and support need to be negotiated.
 - Refer them, if appropriate and with their consent, to local and national support organisations, for example specialist women's services (where applicable) or counselling services that have a history of working with survivors of domestic abuse and forced marriage.
 - If a person is unable to consent, the local authority must make a judgement about what is in the person's best interests.
 - Take active steps to ensure that the person's identity together with their benefit and other records are kept confidential. This may involve witness protection schemes or seeking legal advice for them to change their name and National Insurance number.
 - Assess the risk to any other siblings, now and in the future. Younger siblings might be at risk of being forced to marry when they reach a similar age. Consider speaking to younger siblings to explain the risk of forced marriage and give them information about the help available.
 - Take precautions that you are not followed if you are meeting an adult with care and support needs at their new address.
-

Do NOT:

- **Put either yourself or the victim at risk of harm.**
 - **Send them back to the family home against their wishes.**
 - **Inform family members or friends of their whereabouts.**
 - **Attempt to be a mediator or encourage mediation, reconciliation, arbitration or family counselling.**
-

13.9 When a spouse of an adult with care and support needs has come to the UK from overseas

A spouse may come to the UK from overseas and report that they have been forced to marry overseas. Consequently, they may be experiencing domestic abuse or they may have run away. The adult with care and support needs may not speak English and may not be aware of the support to which they may be entitled. Again, these cases may be reported initially as cases of domestic abuse or as missing persons.

If an adult with care and support needs does not have indefinite leave to enter (ILE), indefinite leave to remain (ILR), leave granted under the Destitution Domestic Violence concession, humanitarian protection, discretionary leave or a right of abode in the UK, then they are likely to be the subject of a restriction on receiving public funds. Public funds include Universal Credit, State Pension Credit and Housing Benefit. This means that they may not be able to access refuge accommodation (although some refuges will offer places). As a result, they may experience difficulty in finding alternative accommodation and a means by which to live. This may lead them to feel they have no option but to remain in the marriage and to feel unable to co-operate with social care services or anyone they see as being in a position of “authority”.

It should be noted that support from social services is not a public fund in this context but the victim might wrongly perceive that they will be unable to access these services as a result of their inability to access public funds.

Further details of the types of local authority support that might be available can be found in chapter 14 of this guidance.

Response:

- Follow the general action as set out in **chapter 3** and collect as much as possible of the information required in **chapter 4**.
- Ensure that the person is dealt with in a sensitive way and that their wishes, culture and values are recognised and respected.
- Arrange for an authorised interpreter who speaks the dialect of the person. If necessary, obtain consent from them through Language Line. Establish any preferences regarding the gender of the interpreter.
- If you believe that immigration advice is required, refer them to an appropriate support agency, an Office of the Immigration Services Commissioner-approved immigration adviser or a solicitor.
- Provide them with written contact details of the social worker dealing with the case to give to their solicitor.
- With the person’s consent, notify the local police domestic abuse unit.
- Record any injuries and arrange a medical examination.

Do NOT:

- **Use a relative, friend, community leader or neighbour as an interpreter - despite any reassurances from this known person. Information at the interview may be imparted to other members of the community and put the adult with care and support needs at risk of harm.**
 - **Attempt to give the person immigration advice. It is a criminal offence for any unqualified person to give this advice.**
-

Anyone who has been granted indefinite leave to enter or remain, refugee leave, humanitarian protection, discretionary leave or who has a right of abode in the UK is entitled to access public funds on the same basis as a British citizen.

In exceptional circumstances, someone who is subject to immigration control may still be eligible to access certain benefits. This is because they may benefit from an exception to the general 'no recourse to public funds' rule. These exceptions are generally in place to meet the UK's legal obligations and they are set out in legislation⁵⁰.

Funding for legal advice ('legal aid') is not counted as public funds, and adults with care and support needs may be entitled to legal aid whatever their immigration status.

If they are experiencing domestic abuse, the domestic violence provisions under Rule 289A and Appendix FM of the Immigration Rules or Part 6 of the Immigration Rules Appendix Armed Forces may apply. Under these Provisions, social care services can provide evidence of domestic abuse in the form of a letter or report.

⁵⁰ Further information on these and other exceptions is contained in the [Social Security \(Immigration and Asylum\) Consequential Amendments Regulations 2000](#), the [Tax Credits \(Immigration\) Regulations 2003](#) and the Persons Subject to Immigration Control (Housing and Homelessness) Order 2000.

14. Local Housing Authorities: Guidelines

14.1 Background

For anyone, leaving their family can be difficult, but for people from black and minority ethnic communities or those with a disability or illness, it can be especially hard. Family occupies a very important role in people's lives, and a person may have no experience of life outside their family.

Those who do leave often live in fear of their own families, who will often go to considerable lengths to find them and ensure their return. On their return, they are often subjected to violence and threats. Therefore, accommodating those fleeing forced marriage is extremely important and local authorities play an important role in supporting those who are at risk of homelessness due to forced marriage into alternative safe accommodation.

The Homelessness Reduction Act 2018 placed new duties on local housing authorities to take reasonable steps to try to prevent and relieve a person's homelessness. These new duties apply when an applicant is both homeless and eligible for assistance, irrespective of whether a person has 'priority need' or may be regarded as being 'intentionally homeless'. Local authorities must work with people who are homeless or at risk of homelessness to develop personalised housing plans, which focus on the needs and circumstances of the applicant.

Local housing authorities also have a duty to secure suitable accommodation for applicants who are eligible for assistance, unintentionally homeless and who fall within a priority need group.

Under current homelessness legislation a person who is pregnant, has dependent children, or is homeless as a result of that person being a victim of domestic abuse, already has priority need for accommodation. Other priority need categories can be found in Chapter 8 of the Homelessness Code of Guidance.

In Wales, as housing is a devolved matter, the arrangements for those who are homeless or threatened with homelessness are set out in Part 2 of the Housing (Wales) Act 2014, and the supporting guidance made under it. The focus of this legislation is prevention and places duties on local authorities in Wales to take all reasonable steps to try to prevent and relieve a person's homelessness. Welsh local authorities have a duty to secure accommodation for those who are eligible for assistance, unintentionally homeless and who fall within a priority need group.

Some people may not have leave to remain in the UK and therefore will not have recourse to public funds (see page 125 for further details). In both England and Wales, local authorities must assess what support they may lawfully give to each person on an individual basis, considering a person's specific circumstances and support needs.

Whatever their situation, front line staff in local housing authorities should be aware of the risk of harm facing those who have been or may be forced to marry.

Housing authorities should be mindful of their duties under the Data Protection Act 2018 when receiving requests for information from third parties such as family, friends, councillors, GPs or MPs regarding an applicant's whereabouts. They must have explicit consent from the applicant before disclosing information to a third party and should consider whether it is appropriate, particularly where the applicant could be a victim of forced marriage. The applicant's safety must be paramount. If an officer is in any doubt about such a request, they should refrain from disclosing any information.

14.2 How housing authority staff can help

Follow the general action as set out in **chapter 3**.

When a forced marriage victim presents themselves to a local authority requesting emergency accommodation, it often means that they have left their current situation for good. In most cases, there will be no going back. Helping the victim to find accommodation quickly reduces the burden of instability and uncertainty as they work towards establishing safety for themselves with the help of professionals.

Asking about the forced marriage:

If the victim is accompanied by an escort, make sure that you ask privately if it is safe for their escort to be part of the meeting. Once you are satisfied the victim is safe to discuss their experiences, ask sensitively for the applicant to disclose what has happened to them and respond to the questions:

- What is needed right now?
- Is the area that we are in right now a safe location for you?
- Do you think that you could live in this location on a temporary or permanent basis?
- Is this location useful for work/studies/GP/health facilities?
- Is this location safe in terms of family/community members not finding you?

Then repeat their answers back to them. If an interpreter is needed, it is best to use a professional who is impartial and has a duty to maintain confidentiality. Do not use family or friends of the victim.

You should sensitively listen to the experiences of the victim and make a decision based on that conversation and any further evidence.

If you need more information, check for potential warning signs that the individual is a victim of forced marriage (pages 36-37 have further details).

Make sure you know about the services available locally to support people who have experienced domestic abuse and how to make a referral.

After a disclosure:

- Let the person know of the Forced Marriage Unit's (FMU) details. Let them know that they can make direct contact to discuss other concerns via the telephone helpline (020 7008 0151) or email (fmu@fcdo.gov.uk).
- Forced marriage is a form of domestic abuse, so their safety and the safety of others, including any children who may be affected, is the first priority.
- Make sure you are aware of the Data Protection Act 2018, professional guidelines and local protocols about confidentiality and information sharing. Check that you know about:
 - getting consent from people to share their information;
 - telling people when and with whom their information is being shared; and
 - when it may be necessary to share information without consent to keep the person safe.
- Share information about specialist services and offer a referral, including to a local support group.
- Consider the type of support needed, both immediate and longer-term.
- Record your discussion and the actions you have agreed. The actions can be recorded as part of the personal housing plan which will include actions (or 'reasonable steps') to be taken by the authority and the applicant to try to prevent or relieve homelessness.
- Recognise the risk that those fleeing forced marriage face and, in line with the Homelessness Code of Guidance in England, and similar provision in the Code of Guidance on the Allocation of Accommodation and Homelessness in Wales, ensure that an applicant is not referred to another local authority where they have a local connection if they would be at risk of domestic abuse in that area. A victim's safety should take precedence in making decisions about referring an applicant.
- Take account of any social considerations relating to the applicant and their household that might affect the suitability of accommodation offered to them to prevent or relieve homelessness, or under the main housing duty. Take into account any risk of domestic abuse or violence or racial harassment in a particular locality. Where the applicant is not able to stay in the current home, housing authorities may need to consider the need for accommodation that would not be found by the perpetrator (which may involve an out of district/county placement) and which has security measures and appropriately trained staff to protect the occupants. Housing authorities may consider implementing a reciprocal agreement with other housing authorities and providers to facilitate out of area moves for victims of forced marriage.
- There may be occasions where victims of forced marriage seek emergency assistance having left behind ID and other documentation that may be required to

support their application. Housing authorities should work with police, other agencies (as appropriate) and the applicant to ensure that essential documentation can be recovered or replaced without putting the applicant at further risk. The victim must not be asked to return to their property to collect documentation if there is any risk to their safety.

- Recognise that some adults may have been held against their will outside the UK for the purpose of forced marriage and these circumstances should be taken into consideration when applying the habitual residence test.
- Note that where a homelessness application is made by a couple due to forced marriage, if requested and safe to do so, local authorities should seek to accommodate the couple together. However, it is imperative that it is established quickly that both parties feel comfortable and safe enough to be accommodated together. This should be ascertained when asking the questions listed at paragraph 14.2 asking about FM questions.

Where an applicant has priority need, section 206 of the Housing Act 1996 requires local authorities to provide accommodation which is suitable for the household.

Do NOT:

- **Use a relative, friend, community leader or neighbour as an interpreter - despite any reassurances from this known person. Information at the interview may be imparted to other members of the community and put the person at risk of harm.**
 - **Inform family members or friends of their whereabouts.**
-

14.3 Priority need categories

The following priority need categories are likely to be the most relevant when dealing with adults who are homeless in these cases:

In England:

- a pregnant woman or a person with whom she resides or might reasonably be expected to reside
- a person with whom dependent children reside or might reasonably be expected to reside
- a person who is vulnerable as a result of old age, mental illness, learning or physical disability or other special reason, or with whom such a person resides or might reasonably be expected to reside
- a person who is homeless as a result of that person being a victim of domestic abuse
- a person aged 16 or 17 who is not a 'relevant child' or a child in need to whom a local authority owes a duty under section 20 of the Children Act 1989

- a person under 21 who was (but is no longer) looked after, accommodated or fostered between the ages of 16 and 18 (except a person who is a 'relevant student'⁵¹)
- a person aged 21 or over who is vulnerable as a result of having been looked after, accommodated or fostered (except a person who is a 'relevant student')
- a person who is vulnerable as a result of ceasing to occupy accommodation because of violence from another person or threats of violence from another person which are likely to be carried out

Section 177 of the Housing Act 1996 makes clear that it is not reasonable for a person to continue to occupy accommodation if it is probable that this will lead to violence or domestic abuse against that individual, or against a person who would normally or reasonably be expected to live with them.

Section 8.16 of the Homelessness Code of Guidance stipulates that 'It is a matter of evaluative judgement whether the applicant's circumstances make them vulnerable'. When determining whether an applicant in any of the categories set out in paragraph 8.14 of that code is vulnerable, the housing authority should determine whether, if homeless, the applicant would be significantly more vulnerable than an ordinary person would be if they became homeless. The assessment must be a qualitative composite one taking into account all of the relevant facts and circumstances and involves a consideration of the impact of homelessness on the applicant when compared to an ordinary person if made homeless. The housing authority should consider whether the applicant would suffer or be at risk of suffering harm or detriment which the ordinary person would not suffer or be at risk of suffering, such that the harm or detriment would make a noticeable difference to their ability to deal with the consequences of homelessness'.

In Wales (section 70 of the Housing (Wales) Act 2014):

- a pregnant woman or a person with whom she resides or might reasonably be expected to reside
- a person with whom a dependent child resides or might reasonably be expected to reside
- a person who is vulnerable as a result of some special reason (for example: old age, physical or mental illness or physical or mental disability)
- a person who is homeless as a result of being subject to domestic abuse, or with whom a person who is subject to domestic abuse resides (other than the abuser) or might reasonably be expected to reside

⁵¹ A 'relevant student' means a care leaver under the age of 25 to whom section 24B (3) of the Children Act 1989 applies, and who is in full-time further or higher education and whose term-time accommodation is not available during a vacation. Under section 24B(5), where a social services authority is satisfied that a person is someone to whom section 24B(3) applies and who needs accommodation during a vacation they must provide accommodation or the means to enable it to be secured. [Download this guidance - Homelessness code of guidance for local authorities - Guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

- a person who is aged 16 or 17 when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation
- a person who has attained the age of 18 (but not the age of 21) when the person applies to a local housing authority for accommodation or help in obtaining or retaining accommodation, who is at particular risk of sexual or financial exploitation

14.4 No recourse to public funds

People whose immigration status means they have no recourse to public funds have limited options for housing and financial support.

In both England and Wales, housing authorities have a duty to provide or secure the provision of advice and information about homelessness and the prevention of homelessness, free of charge. These services must also be available to any person in their district, including people who are not eligible for further homelessness services as a result of their immigration status.

Local authorities should advise ineligible applicants that women and men who have been victims of domestic abuse can apply for Indefinite Leave to Remain (ILR) if they meet the criteria set out in the domestic violence provisions in the Immigration Rules. However, until their application is successful, they will have no recourse to public funds – this means they will not be eligible for benefits such as universal credit or housing benefit. In practice, it is extremely difficult to access any funding for victims while they await the outcome of their application, hence the introduction of the Destitution Domestic Violence Concession.

The Destitution Domestic Violence Concession supports those who have entered or stayed in the UK as a spouse, unmarried partner, same-sex or civil partner of a British Citizen, or settled citizen and this relationship has permanently broken down due to domestic violence and abuse. A victim may be eligible if:

- (a) they came to the UK or were granted leave to stay in the UK as the spouse or partner of a British Citizen or someone settled in the UK;
- (b) their relationship has permanently broken down due to domestic violence and abuse.

They can then apply to the Home Office for limited leave to remain (three months) under the [Destitution Domestic Violence Concession](#)⁵² to enable them to access public funds and advice, while they prepare and submit an application for indefinite leave to remain (or make alternative arrangements).

It is best practice to signpost adults who have no recourse to public funds to appropriate immigration advice services to ascertain whether they are eligible to apply.

⁵² Apply for destitution domestic violence (DDV) concession - GOV.UK (www.gov.uk)

15. Airport Personnel: Guidelines

This chapter is specifically aimed at UK Border Force, and other members of staff within ports of departure/arrival who may come into contact with potential victims either leaving or returning to the UK from overseas.

This guidance should accompany the Virtual College e-learning on forced marriage, which is mandatory for all Border Force officers. They are also encouraged to read the Border Force guidance on forced marriage and may wish to consult the forced and early marriage information pages on the Border Force OCELOT app.

The majority of forced marriage cases in the UK involve travel overseas, and awareness at the UK border is key to supporting victims. Often the victim will be taken overseas without knowing that they are to be married, on the pretext of a family holiday, the wedding of a relative or the illness of a grandparent, among other scenarios. On arrival, their documents, passports, money and mobile phones are often taken away from them.

Likewise, at the UK border, there will be victims returning to the UK or arriving in the UK for the first time who may be in need of support. A victim may arrive in the UK from overseas and report that they have been forced to marry abroad. They may have suffered from domestic abuse or have run away. They may not speak English and may not be aware of the support to which they may be entitled. There may be circumstances when they are too frightened to self-identify so it is important that those coming into contact with them understand this crime, are alert to indicators and respond effectively when required.

15.1 Countries with high prevalence

Generally, the countries with the highest number of forced marriage cases reported within the UK have heritage links to Pakistan, Bangladesh, India, Somalia, Afghanistan, Iraq and Romania. However, in 2020, the FMU handled cases relating to 54 countries outside the UK.

15.2 Outbound flights

What are the possible indicators of forced marriage and what to look for when the potential victim is leaving the UK? Note: This is not an exhaustive list.

Physical observations

- Often female and aged between 15-25 years (however, it should be noted that forced marriage can affect males, and females outside of this age bracket)
- A disability – physical or learning, sometimes both
- Signs of injuries or scars that could be the result of an assault
- One-way ticket booked
- Documents held by someone else

Behaviour of the victim

- Appears agitated/frightened/reserved/quiet/despondent/not talkative or alternatively displaying unusual behaviour.
- Appears to be suffering discomfort.
- Discloses that he/she is being taken out of the UK to marry someone they don't want to.
- Unable to give basic details about the trip or intended purpose.
- Looks nervously around at check-in. Reacts as if they are being watched by someone.

Behaviour of those travelling with the victim

- Obvious, controlling behaviour from family members, for example the potential victim may ask for help in front of family members which is then minimised by the family.
- Chaperoned by family members and high surveillance of the potential victim.
- Family members answering for them and dismissing what they are saying.
- The person they are with looks guarded, guilty or suspicious.
- Not allowing the victim to talk freely on their own
- Retaining the victim's documents

What to do if a potential victim asks for help

- Ensure that the victim can speak out of the ear shot of their travelling companions.
- Ask the victim what they would like help with.
- Ask the victim if they want to continue their journey.
- Repeat their answers back to them.
- If they have made it clear they do not want to travel, or they express concern, speak to your manager and discreetly invite the individual to move away from the travelling party, if at all possible.
- As Border Force have no powers to stop people travelling, inform the police authorities at the airport immediately.
- Call the Forced Marriage Unit (FMU) for advice on 020 7008 0151 if the disclosure is made between 0900 – 1700hrs, Monday – Friday. If the disclosure is made out of office hours, the call will go through to an out of hours service.

15.3 Inbound flights

What are the possible indicators of forced marriage when the potential victim is returning to the UK? Note: This list is not exhaustive.

Physical observations

- Often female and aged between 15-25 years (however, it should be noted that forced marriage can affect males, and females outside of this age bracket).
- A disability – physical or learning, sometimes both.
- Signs of injuries or scars that could be the result of an assault.

- The victim is wearing clothes indicative of a celebration/wedding. These may vary between different cultures, for example having henna on both hands is common for brides in several South Asian countries.

Behaviour of the victim

- Appears anxious, jittery or afraid.
- Appears submissive.
- Unable to speak freely without family members present.

What to say to the potential victim

- If they are wearing a special outfit, you can casually ask: “Are you returning from a celebration of sorts?” Make a note of their reactions.
- Ask how long they have been outside the UK for. If it is more than a month, you can ask: “Did you enjoy your break?” “What did you do?” If they disclose marriage, make a note of how they look when speaking about this. If they look tearful, ask if they need help or want to speak to someone.
- Always ask open, simple questions (who, what, where, when, why, how?)

Baggage search

During a routine baggage search, if elaborate or what appear to be ‘party’ outfits are found, including footwear, hair accessories and boxed jewellery items, ask potential victims the following questions gently: “What sort of holiday were you going on?” “How long did you stay?” “Did you attend lots of functions/parties?” “Can you tell me a bit about your outfits?” “Who were they for?”

If they mention their wedding, and display any of the above behaviours, ask the potential victim: “Is everything ok or would you like to talk in private?” Assure them that you are only there to help and provide them with support.

15.4 Key points to remember

Should concerns arise try to speak to the person alone, if at all possible without putting the victim at risk.

Document conversations, concerns and observations in writing as soon as possible and email this to fmufcdo.gov.uk.

Any case should also be referred to a specialist Border Force Safeguarding & Modern Slavery (SAMS) Officer to manage.

In all urgent cases where assistance is needed immediately contact airport police or dial 999. Remember that Border Force staff have **no powers** to prevent people from leaving the UK.

16. Legal Protections

16.1 Legal position

Section 121 of the Anti-social Behaviour, Crime and Policing Act 2014 provides that:

- (1) A person commits an offence in England and Wales if he or she—
 - (a) uses violence, threats or any other form of coercion for the purpose of causing another person to enter into the marriage, and
 - (b) believes, or ought to reasonably believe, that the conduct may cause the other person to enter into the marriage without free and full consent.
- (2) In relation to a victim who lacks capacity to consent to marriage, the offence under subsection (1) is capable of being committed by any conduct carried out for the purpose of causing the victim to enter into a marriage (whether or not the conduct amounts to violence, threats or any other form of coercion).
- (3) A person commits an offence under the law of England and Wales if he or she—
 - (a) practices any form of deception with the intention of causing another person to leave the United Kingdom, and
 - (b) intends the other person to be subjected to conduct outside the UK that is an offence under subsection (1) or would be an offence under that subsection if the victim were in England and Wales.

The maximum penalty for the criminal offence of forced marriage is seven years imprisonment.

In addition to the specific offences of forced marriage, there are several other offences that may be charged in forced marriage situations. Perpetrators – usually parents or family members – may be prosecuted for offences including fear or provocation of violence, common assault, actual bodily harm, grievous bodily harm, harassment, stalking, common assault, kidnap, abduction, theft (of passport), threats to kill, false imprisonment and murder. The Crown Prosecution Service (CPS) is responsible for making the decision on which offence/s to prosecute on the evidence available. It should also be noted that sexual intercourse without consent is a serious sexual offence, for example rape, regardless of whether this occurs within a marriage or not.

16.2 Extraterritorial Jurisdiction

The Anti-social Behaviour, Crime and Policing Act 2014 also provides extraterritorial jurisdiction over both the coercion and deception elements of the offences of forced marriage. This means that any of the prohibited acts carried out outside the UK by a UK national or person habitually resident in England or Wales, or to a UK national or person habitually resident in England or Wales, will be an offence under domestic law and triable in the courts of England and Wales. It will also be an offence under

domestic law if the prohibited acts are conducted by or against a person habitually resident in England and Wales but take place in Scotland or Northern Ireland.

16.3 Validity

Some forced marriages will be legally valid and will subsist unless and until an annulment is obtained or a divorce is granted by the court. Others will be legally void but a party may still seek a nullity order to document this. There are strict legal requirements that govern whether a marriage is valid under UK law. Whether an overseas marriage is legally recognised will generally depend on whether it complied with the legal requirements of the country in which the marriage took place. When considering the validity of a marriage, particularly a marriage that took place overseas, specialist legal advice should be sought. Agencies should also be mindful that a marriage is not automatically void because it was found to be a forced marriage.

16.4 Forced Marriage Protection Orders (FMPOs)

A FMPO is a civil law measure which can be sought under section 63A of the Family Law Act 1996 (“the 1996 Act”).⁵³ The aim of a FMPO is to protect and safeguard a person who has been, or is being forced into, marriage. FMPOs are made by the family courts and can be made in emergency situations so that immediate and enforceable protection can be put in place. This is known as an ex-parte or without notice order as the relevant documents will not have been served on the respondents. A FMPO is unique to each case and contains legally binding prohibitions, restrictions and/or requirements relating to and aimed at changing the behaviour of a person or persons who have forced or attempted to force, or who may force or attempt to force, someone into marriage. Such prohibitions and conditions can include, for example, a requirement to surrender the passport of the person to be protected to prevent them being taken abroad for the purpose of forced marriage.

The following people can apply for a FMPO under section 63C(2) and (3) of the 1996 Act:

- the victim of a forced marriage or the person at risk of being forced into a marriage (victims and people at risk are both referred to as the “person to be protected” (PTBP)); or
- a relevant third party (RTP). A ‘RTP’ means a person specified by order⁵⁴ of the Lord Chancellor who may apply on behalf of a victim without the leave of the court. Currently, this only extends to local authorities; or
- any other person on behalf of the PTBP with the permission of the court (for example, the police, voluntary sector support service, a friend or a family member).

⁵³ As amended by the Forced Marriage (Civil Protection) Act 2007.

⁵⁴ [The Family Law Act 1996 \(Forced Marriage\)\(Relevant Third Party\) Order 2009 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2009/20/section/1)

The PTBP may be an adult or a child. Applications can be made by a person or by their legal representative, if they have one.

The PTBP and RTPs can apply without permission of the court. Anyone else will need permission of the court to make an application. Children who apply for a FMPO may have a 'next friend' or children's guardian to assist them, but do not have to, if the court agrees, or if they have a legal representative who considers that the child has the capacity to give instructions to the legal representative.

Applications can be made to the Family Division of the High Court, but only if a case relating to the same parties is already being heard in the High Court or if the court agrees that the application can be made in the High Court. In other cases, applications should be made to the Family Court.

A FMPO can apply within England and Wales or abroad - where the PTBP has been taken. For example, an order may include a provision that a person overseas must be enabled to speak with a police officer, social worker, legal representative, or a consular officer. However, the Foreign, Commonwealth and Development Office, and any High Commission asked to assist in such cases, can only provide consular assistance to British nationals, dual nationals not in countries of their other nationality (except in exceptional circumstances including forced marriage), or in certain circumstances Commonwealth nationals, and in accordance with local laws.

A FMPO is not specifically enforceable in any other jurisdiction. Should an order be made seeking to bind someone abroad it may be necessary to seek to enforce it in a foreign court. The courts of England and Wales have no jurisdiction in foreign countries. In cases where a PTBP has been removed overseas the application for an order should be made to the High Court so that if necessary it can make orders under its inherent jurisdiction alongside the powers under the Family Law Act 1996. A High Court order also has greater recognition in some foreign jurisdictions as it facilitates the use of bilateral treaties and protocols.

In addition to the specific remedy in the 1996 Act, there are several other civil and family orders that can be made to protect those threatened with, or already in, a forced marriage. See the other orders covered in this chapter.

16.5 Circumstances in which to apply for a FMPO

Victims of forced marriage may be reluctant to take legal action to protect themselves because of fear of criminalising those involved and the potential repercussions, including threats to their physical safety, and the alienation and stigma involved from their family and community. They may also not be in a position to take legal action on their own behalf.

Those working in child protection and with adults at risk of harm are most likely to come across cases of forced marriage and need to consider the option of applying for a FMPO alongside other existing measures of protection in order to discharge their statutory duties.

FMPOs can be an effective means of safeguarding victims and potential victims, preventing a forced marriage from taking place or, if the marriage has already taken place, supporting and mitigating the consequences of that for the victim.

16.6 Applying for a FMPO

Section 63C of the 1996 Act allows the court to make a FMPO on application or, in any other family proceedings involving the respondent, without an application being made to it where it considers an order is necessary to protect a person (whether or not they are a party to those proceedings). An application must be made on Form FL401A: Application for a Forced Marriage Protection Order.⁵⁵ If the applicant is neither the PTBP nor a RTP, they must also apply for the court's permission to make the application using form FL430 Application for leave to apply for a Forced Marriage Protection Order.⁵⁶

Further information on how to apply for a FMPO, including links to the application forms, can be found here: [Apply for a forced marriage protection order: How to apply - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/apply-for-a-forced-marriage-protection-order)

The applicant can request terms to be included within the FMPO, although it will be up to the court to decide what the terms are. The terms of the order issued under the 1996 Act can be tailored to meet the specific needs of the PTBP. These terms may relate to conduct inside and outside England and Wales. FMPOs can be made against people who are forcing or are attempting to force a person into marriage, or who may do so. They can also be made against people who are, or may become, involved in other respects, such as those who aid, abet, counsel, procure, encourage or assist another to force, or attempt to force, a person to enter into a marriage, or who conspire to do so. The order may be made for a specified period or may last until it is varied or discharged. Seeking specialist legal advice is always recommended.

Section 63D of the 1996 Act allows the court to make a FMPO even though notice of the application has not been given to the respondent(s). This is known as an ex parte order, where the court considers it "just and convenient" to make the order. In deciding whether to do so, the court will have regard to all the circumstances, including any risk of significant harm to the PTBP or another person if the order were not made immediately, or whether the applicant would be deterred or prevented from pursuing an order if it were not made immediately. The court will also consider if there is reason to believe that the respondent is aware of the proceedings and is deliberately avoiding service and whether any delay in achieving some form of service would cause serious prejudice to the PTBP or (if a different person) to the applicant.

It is possible for the court to make a FMPO in the absence of the PTBP: for example, where a local authority makes the application rather than the PTBP doing so. This

⁵⁵ [Form FL401A: Application for a Forced Marriage Protection Order - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/apply-for-a-forced-marriage-protection-order)

⁵⁶ [Form FL430: Application for leave to apply for a Forced Marriage Protection Order - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/apply-for-a-forced-marriage-protection-order)

may be necessary if the PTBP is in immediate danger or at risk of being taken abroad.

A FMPO made without prior notice being given to the PTBP and/or the respondent(s) will likely be made for a limited period, and will be referred to as an “interim” FMPO.⁵⁷ The PTBP and the respondents will be served with a copy of the FMPO and the application. The court will list another hearing which the PTBP and respondent(s) will be invited to attend in order to make their representations. The court will then decide whether to make a further FMPO.

If the PTBP decides to withdraw their application for a FMPO, every effort should be made to ensure that they are withdrawing of their own free will and are not being coerced.

16.7 Terminology used in FMPOs

FMPOs often include the following terms:

“The respondents are forbidden, whether acting alone, jointly, with another or by instructing, encouraging or suggesting to another person, from:

- Taking any steps to cause, or permit to cause, [name of the person to be protected] to undergo any arrangements or any ceremony (or purported ceremony) in relation to the marriage, civil partnership, engagement or matrimony whether by civil or religious ceremony whether in the jurisdiction of England and Wales, [country of concern] or anywhere else abroad.
- Forcing or attempting to force [name of the person to be protected] to enter into any arrangements or any ceremony (or purported ceremony) in relation to the marriage, civil partnership, engagement or matrimony whether by civil or religious ceremony whether in the jurisdiction of England and Wales, [country of concern] or anywhere else abroad.
- Instructing or otherwise encouraging [name of the person to be protected] to enter into any arrangement or any ceremony (or purported ceremony) in relation to the marriage, civil partnership, engagement or matrimony whether by civil or religious ceremony whether in the jurisdiction of England and Wales, [country of concern] or anywhere else abroad.
- Facilitating, allowing or otherwise permitting [name of the person to be protected] to enter into any arrangements or any ceremony (or purported ceremony) in relation to the marriage, civil partnership, engagement or matrimony whether by civil or religious ceremony whether in the jurisdiction of England and Wales, [country of concern] or anywhere else abroad.
- Aiding, abetting, counselling, procuring, encouraging, instructing or assisting any person to enter any arrangements or any ceremony (or purported ceremony) in relation to the marriage, civil partnership, engagement or matrimony whether by civil or religious ceremony whether in the jurisdiction of England and Wales,

⁵⁷ [FL701 - Forced Marriage Protection Orders - How can they protect me? \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/614222/FL701_-_Forced_Marriage_Protection_Orders_-_How_can_they_protect_me_.pdf)

[country of concern] or anywhere else abroad for [name of the person to be protected].

- Threatening, intimidating or harassing [name of the person to be protected] or encouraging, instructing or assisting any other person to do so.
- Using or threatening to use violence against [name of the person to be protected] or encouraging, instructing or assisting any other person to do so.”

“The respondents are ordered to:

- Surrender all the travel documents, British or otherwise, upon serving this order.
- Not remove [name of the person to be protected] from the jurisdiction of England and Wales until such time that this order is discharged or varied.
- Ensure that [name of the person to be protected] has a mobile phone available to him/her 24/7 until such time that this order is discharged or varied.
- Ensure that [name of the person to be protected] attends weekly appointments organised by the local authority until such time that this order is discharged or varied.”

Where the person to be protected is abroad and needs to be repatriated to the UK, the following terms are often used:

- “The respondents shall either by working individually or together forthwith return or alternatively take any and all steps as are available to them to return [name of protected person] to the jurisdiction of England.
- The respondents [name person] do forthwith upon service of this order upon them, hand in their own passports and other travel documents to [named police station].
- Following the children’s return to England and Wales, the respondents [named persons] are forbidden from applying for a new passport or other travel documents from Her Majesty’s Passport Office or from any other UK or foreign passport agency for [named persons] until further notice.
- The respondents [named person] are forbidden from applying for a new passport or other travel documents from Her Majesty’s Passport Office or from any other UK or foreign passport agency for [name of the person to be protected] until such a time that this order is varied or discharged.
- The respondents shall provide their written consent to the Applicants leaving [country of concern].”

16.8 Undertakings instead of the court making a FMPO

The court may accept an “undertaking” from the respondent instead of making a FMPO (section 63E of the 1996 Act).

However, the court cannot accept an undertaking if it appears to the court that (a) the respondent has used or threatened violence against the PTBP and (b) that for the PTBP's protection it is necessary to make a FMPO so that any breach of it may be punished under section 63CA of the 1996 Act (see below).

If a respondent does give an undertaking, it is enforceable by the court in the same way as a FMPO would be.

16.9 Breach of a FMPO

A breach of a FMPO is punishable as a civil contempt of court or as a criminal offence. Under section 63CA of the 1996 Act, the breach of a FMPO without reasonable excuse is a criminal offence with a maximum penalty of five years' imprisonment, a fine or both.⁵⁸ This means the police can arrest a person who breaches the terms of an order without the need for the court to attach a power of arrest to the order or for the victim to apply to the Family Court (or to the High Court) for an arrest warrant.

Following a police investigation of any breach, the CPS will decide whether to proceed with a prosecution by applying the two-stage test in the Code for Crown Prosecutors: whether there is sufficient evidence to provide a realistic prospect of conviction; and, if so, whether a prosecution is in the public interest.

As an alternative to the criminal route, it is possible to apply to the court which made the order for the breach to be punished as a contempt of court (the relevant contempt being failure to comply with a court order). The FMPO must have contained a penal notice for it to be capable of enforcement by an order for committal (this is explained in more detail in Part 37 of the Family Procedure Rules 2010).⁵⁹ The person making the committal application must use Form FP2 to set out in full the grounds for making the application and each act of contempt (breach). The applicant may also apply for a warrant of arrest, which must be supported by a sworn statement setting out how the order or undertaking has been breached. The application must be made on Form FL407A "Warrant of Arrest Forced Marriage Protection Orders".

A person arrested under an arrest warrant has to be brought before the court, and if the committal application is not determined immediately, the person may be remanded in custody or on bail (section 63K and Schedule 5 to the 1996 Act make detailed provision).

Generally, a finding of civil contempt may be punished by a fine, or committal to prison for up to two years (which may be immediate or suspended) although the powers of different levels of judges in the family court to impose sanctions for contempt of court differ.

⁵⁸ As amended by section 120, Anti-social Behaviour, Crime and Policing Act 2014.

⁵⁹ [PART 37 - APPLICATIONS AND PROCEEDINGS IN RELATION TO CONTEMPT OF COURT \(justice.gov.uk\)](https://www.justice.gov.uk/part-37-applications-and-proceedings-in-relation-to-contempt-of-court)

If someone has been convicted of the breach offence in a criminal court they cannot also be punished for contempt of court, and vice versa.

16.10 Discharging and varying a FMPO

Under section 63G of the 1996 Act, the court can vary or discharge a FMPO. An application must be made on Form FL403A (Application to vary, extend or discharge a Forced Marriage Protection Order).⁶⁰

16.11 Emergency Protection Order (EPO) s.44 Children Act, 1989

If the police are unwilling to take a child or young person into police protection, or if, for any reason, such an action is not appropriate, or if the situation cannot be resolved during the 72 hours of police protection, an EPO should be considered. The application can be made by anyone including social workers, police, youth workers, advocates or friends of the child or young person, but in practice it is usually made by children's social care services.

An EPO acts as a direction to any person in a position to do so (for example the parents) to produce the child to the applicant (for example children's social care), and authorises the applicant to remove the child and keep them in accommodation provided by the applicant. It can also authorise the prevention of a child being removed from a hospital or any other place in which they were being accommodated immediately before the order. The court can give directions in the EPO about any contact which the child can have with any named person, as well as directions about medical or psychiatric examinations/other assessments of the child. The court can also attach an exclusion requirement to an EPO which can exclude the relevant person from the home, and from a designated area around the home. A power of arrest can be attached to the exclusion requirement.

An EPO results in the applicant being granted parental responsibility for the child, although the parental responsibility must only be exercised to the extent that it is necessary to safeguard or promote the child's welfare. An EPO lasts for up to eight days but it may be extended by application to the court for up to a further seven days if the court has reasonable cause to believe the child is likely to suffer significant harm if the EPO is not extended. The EPO can only be extended once.

Where a local authority is informed that a child who lives in or is found in their area is subject to an EPO, they must make enquiries under section 47 of the Children Act 1989.

Where an EPO has been granted to an applicant who is not the local authority, and the local authority is of the opinion that it would be in the child's best interests for the applicant's responsibilities to be transferred to them, the local authority shall, having complied with requirements set out in the legislation, be treated as though they were

⁶⁰ [Form FL403A: Application to vary, extend or discharge a Forced Marriage Protection Order - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

the applicant (see the Emergency Protection Orders (Transfer of Responsibilities) Regulations 1991).⁶¹

The court has the power to grant orders without notice being given to parents or on short notice, but will only consider applications without notice in high-risk cases where the child's safety would be endangered if the parents knew of the application, or if, for other reasons, it is not possible to notify them. In exceptional cases, where the application is particularly urgent, it can be made by telephone.

An application to the court for an EPO to be discharged can be made by:

- the child;
- their parent;
- any person who is not a parent but with parental responsibility for the child; or
- anyone with whom the child was living immediately before the EPO was made.

If it is necessary to protect the child or young person, the court should be asked for an order which states that there be no contact (or that there be restricted contact) during the period of the EPO. If this is not asked for, there is a presumption of reasonable contact.

16.12 Care orders and supervision orders

Sometimes, an EPO is followed by an application from the local authority for a care order (s.31 and s.33 Children Act 1989). The effect of a care order is to place a child in the care of the local authority, which shares parental responsibility for the child with the child's parents under the order. It shall be the duty of the local authority designated by the order to receive the child into their care and keep them in their care while the order remains in force.

The local authority can also apply for a supervision order (s.31 and 35 of the Children Act 1989), the effect of which is to impose a duty on the local authority to advise, assist and befriend the child. It can require the child to comply with any directions given by the local authority which require them to live in a specified place, do certain activities and report to a particular place at a set time. It does not give the local authority parental responsibility.

A court will only make a care or supervision order (including interim care and supervision orders under s.38 Children Act 1989) if it is satisfied that there are reasonable grounds to believe that the following threshold criteria are met, as set out at s.31(2) of the Children Act 1989:

1. The child concerned is suffering, or is likely to suffer, significant harm; and
2. The harm, or likelihood of harm, is attributable to (a) the care given to the child, or likely to be given to them if the order were not made, not being what it would be reasonable to expect a parent to give to a child, or (b) the child's being beyond parental control.

⁶¹ [The Emergency Protection Order \(Transfer of Responsibilities\) Regulations 1991 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

Note: (as defined under s.31(9) of the Children Act 1989):

The terms:

- **“harm”** means ill-treatment or the impairment of health or development including, for example, impairment suffered from seeing or hearing the ill-treatment of another. Ill-treatment includes sexual abuse and forms of ill-treatment which are not physical. Section 31(10) states that where the question of whether harm suffered by a child is significant turns on the child’s health or development, their health or development shall be compared with that which could reasonably be expected of a similar child.
- **“development”** means physical, intellectual, emotional, social or behavioural development;
- **“health”** means physical or mental health;
- **“ill treatment”** includes sexual abuse and forms of ill-treatment which are not physical.

It is the court’s responsibility to decide whether an order is necessary to protect the young person and which sort of order is the most appropriate.

S.31(3) Children Act 1989 provides that no care order or supervision order may be made with respect to a child who has reached the age of 17 (or 16, in the case of a child who is married). The point has not been tested as to whether the court would be willing to make a care order with respect to a young person who is 16 and who alleges that he or she was the subject of a forced marriage.

The advantage of a care order over a supervision order is that it allows greater protection to be offered to the young person, as the local authority may obtain an order that there be no contact with the family and may conceal the whereabouts of the child if that is necessary to ensure adequate protection. It also gives the local authority parental responsibility for the child and the power to determine the extent to which the child’s parents and others with parental responsibility may exercise their responsibility where this is necessary to safeguard or promote the child’s welfare. It also lasts longer (depending on the child’s age when the care order is made) - the care order will cease to have effect at 18 unless it is brought to an end earlier. A supervision order can be made for a period up to a year, although this can be extended for any period up to three years in total from the date of the first final (as opposed to interim) order.

Whilst a care order is in effect, no person may remove the child from the UK without either the written consent of the local authority and every other person who has parental responsibility for the child, or the leave of the court. This does not prevent the local authority whose care the child is in from removing the child from the UK for a period of less than one month and it also will not apply to arrangements for the child to live outside England and Wales.

It is an offence under s.49 of the Children Act 1989 to knowingly and without lawful authority or reasonable excuse take a child to whom the section applies away from the responsible person, keep such a child away from the responsible person or

induce, assist or incite such a child to run away or stay away from the responsible person. Section 49 applies to children in care (i.e., those subject to a care order) as well as those subject to an emergency protection order or in police protection. The responsible person will be any person who for the time being has care of the child by virtue of the care order, the emergency protection or under s.46 of the Children Act 1989 (removal and accommodation by police) as the case may be

When a care or supervision order is not available due to the age of the young person, children's social care should be aware of the opportunities presented by a ward of court order. This is available for children up to 18 years old and while social services themselves cannot have a young person "warded" (without leave of the court under s.100 Children Act 1989), the young person or an adult friend or advocate can apply for wardship. Various injunctions can be attached to a wardship as required. Very commonly, for a young person in fear of being taken abroad, the injunctions will relate to surrendering passports to the court so that the young person may not leave the jurisdiction without the court's permission (see section 16.14 for further information on wardship).

The parents may agree to the child being accommodated by the local authority under section 20 of the Children Act 1989. A child accommodated under this provision is also "looked after" but the parent retains parental responsibility and may remove the child at any time. The accommodation provided should adequately protect the child.

If there is a relative or adult whom the young person can trust, that person could apply for a child arrangements order with respect to the young person. This can be done as a freestanding application or within the care proceedings. Again, the question is likely to arise as to whether such an action would provide adequate protection to the young person. Although the child arrangements order holder would share parental responsibility, the parents would retain their parental responsibility and would know where the young person was living. However, the child arrangements order holder could also apply for a prohibited steps or specific issue order to keep the whereabouts of the child undisclosed.

If the child is not in care, it is also possible for a local authority to obtain a prohibited steps order under s.8 Children Act 1989. Such an order could prohibit the parents from removing the young person from the country without the permission of the court. The local authority would need to seek the leave of the court before it obtained such an order. Such an order does not confer parental responsibility on the local authority.

Following a prohibited steps order, further steps should be made by children's social care, education and police to monitor the continuing wellbeing and safety of the child if they continue to live in the family home.

16.13 Inherent jurisdiction

There will be cases where a care order is not appropriate, possibly because of the age of the child. A children's social care department may ask the court to exercise its inherent jurisdiction to protect the child. Any interested party, including the young person themselves, a private individual or the Children and Family Court Advisory Support Service (Cafcass, or, in Wales, Cafcass Cymru) legal services, can apply to have a young person up to the age of 18 made a ward of court.

For the purposes of obtaining protection for a child or young person, there is little difference between wardship and the other orders made in the exercise of the inherent jurisdiction of the High Court. Both types of orders under the inherent jurisdiction are flexible and wide-ranging and an order may be sought either where there is a real risk of a child or young person being forced into marriage or after the marriage has taken place. Where there is a fear that a child or young person may be taken abroad for the purpose of a forced marriage, an order for the surrender of their passport may be made as well as an order that the child or young person may not leave the jurisdiction without the Court's permission.

16.14 Application for wardship

Once a child has left the country, there are fewer legal options open to police, social services and others to recover the young person and bring them back to the UK. One course of action is to seek the return of the young person to the jurisdiction of England and Wales by making them a ward of court, in addition to taking out a FMPO.

An application for wardship is made to the High Court Family Division, and may be made by a relative, a friend close to the child or young person, the Cafcass, or, in Wales, Cafcass Cymru, legal services department, or any interested party, including a local authority, if it has permission under s.100(3) of the Children Act 1989. The High Court has extensive experience of forced marriage cases and of dealing with them quickly. Its orders in the inherent jurisdiction and under wardship have greater influence in foreign states.

An Emergency Family Division Applications Judge is available at 10.30 am and 2 pm on all working days at the Royal Courts of Justice in the Strand, London, to hear without notice applications. Once the order is obtained, the co-operation of the authorities in the country to which the child or young person has been taken can be sought. Without such co-operation, it may be difficult to locate and return the child or young person.

16.15 Tipstaff orders

In child abduction and forced marriage cases, it may be possible to seek that an order is directed to Tipstaff, the enforcement officers for orders made in the High Court. This may be one of the following orders: Collection Order, Location Order or Passport Seizure Order. These orders provide for: a port alert against the child or vulnerable adult and respondents; removal of a child or vulnerable adult from the care of a respondent or an address where they are residing and the removal of passports, ID Cards and all travel documents in the name of a child or vulnerable adult and the respondent. The orders carry a direction to Tipstaff to arrest any person who disobeys the order, having been served with a copy of it, and a direction to Tipstaff to enter and search, using force if necessary.

In the case of children who have been declared a ward of court - i.e. cases where the court is acting *in loco parentis*, - Tipstaff, where directed by an order of the court, have a role in ensuring that those children are delivered to the locations specified by the court.

16.16 Non-molestation order

A non-molestation order prohibits a person from molesting or harassing another person or child. The legislative power to make an order is contained in section 42 of the Family Law Act 1996 ('the 1996 Act'). The Act does not define 'molestation' but the word is taken to cover a wide range of incidents such as violence or threats of violence, right down to pestering and general harassment. When such an order (the respondent) is made it forbids the person named in the order from 'molesting' the applicant or a 'relevant child'.

A non-molestation order may only be made against a person 'associated' with the applicant. The full list of associated persons is found in s.62(3) of the Act and includes:

- Current or former spouses, civil partners or cohabitants
- A person who lives, or has lived, in the same household (but not if the reason they are living or lived in the same household is because they are the other person's employee, tenant, lodger or boarder)
- Relatives (as defined in section 63(1) of the 1996 Act)
- A person whom the applicant has agreed to marry
- A person with whom they have or have had an intimate personal relationship of significant duration

An order may be made by the court without notice of the application having been given to the other person where, for example, there is a risk of significant harm to the applicant or to a child, attributable to the conduct of the other person, if the order is not made immediately (section 45 of the 1996 Act).

Even though non-molestation orders are civil court orders, breaching a non-molestation order without a reasonable excuse is a criminal offence for which perpetrators may be fined or sent to prison (section 42A of the 1996 Act). Breaching a non-molestation order may be dealt with by the civil courts as a contempt of court. But if a person is convicted of the criminal offence then they cannot also be punished for a contempt of court.

16.17 Occupation order

A person may also seek an occupation order against a person with whom they are associated under section 33 of the 1996 Act. An occupation order regulates the occupation of a particular property, such as the family home. The basis on which an order may be made depends upon each person's "right or entitlement to occupy" the property, and the legal provisions are complex. It will be necessary to seek legal advice to ascertain whether it would be possible for someone to obtain such an order. Breaching an occupation order is not a criminal offence, but may be dealt with by the civil courts as a contempt of court.

16.18 Restraining orders and injunction against harassment

The Protection from Harassment Act 1997 (the 1997 Act) makes it an offence for someone to pursue a course of conduct which amounts to harassment (section 2) or causes someone to fear that violence will be used against them (section 4).

Harassment is generally understood to involve improper oppressive and unreasonable conduct that is targeted at an individual and calculated to alarm them or cause them distress. Crucially, the individual elements of a course of conduct need not themselves be criminal; however, a series of events in combination may form a course of conduct which could amount to a criminal offence. A “course of conduct” in a case of conduct in relation to a single person must involve conduct on at least two occasions.

Where a person has been convicted or acquitted of a criminal offence under the Act, a restraining order can be made under section 5 of the Act to protect the victim or victims from any future conduct which amounts to harassment or stalking behaviour. Breach of a restraining order is a criminal offence, with a maximum penalty of five years imprisonment.

In addition to the criminal offences, section 3 of the 1997 Act provides a civil remedy. This enables a victim of harassment to seek an injunction restraining a person from pursuing a course of conduct which amounts to harassment, breach of which is a criminal offence. There is no need for a person to have been convicted of harassment in order for an injunction to be granted against them. If a court is satisfied that harassment has taken place or is anticipated, then it may grant the injunction.

17. National Support Agencies

This section gives details of national support agencies including email addresses, telephone numbers and an explanation of the services they offer.

Ann Craft Trust

Offers advice to professionals, parents, carers and family members on issues relating to the protection of vulnerable children and adults.

0115 951 5400

ann-craft-trust@nottingham.ac.uk

www.anncrafttrust.org

Ashiana Network (London)

Offers refuge, advice, advocacy and counselling for BME women affected by violence against women and girls. They also provide two refuges specifically for South Asian, Turkish and Middle Eastern women between the ages of 16-35 at risk of forced marriage.

0208 539 0427

info@ashiana.org.uk

www.ashiana.org.uk

Ashiana Sheffield

Works with BME and refugee adults, children and young people fleeing domestic and sexual abuse, forced marriage, human trafficking, gang violence and 'honour'-based abuse. Provides accommodation for women with or without children who are survivors of trafficking or modern slavery. Ashiana also provide two bed spaces for women who have experienced abuse and have no recourse to public funds.

0114 255 5740

info@ashianasheffield.org

www.ashianasheffield.org

BAWSO

BAWSO is an all Wales voluntary organisation which provides a specialist service to BME women and children made homeless through a threat of domestic abuse or fleeing domestic abuse in Wales. They have purpose-built refuges across Wales. They also provide emotional and practical support for BME women living in social housing. The service is accessible 24 hrs a day.

0800 731 8147

info@bawso.org.uk

www.bawso.org.uk

Birmingham and Solihull Women's Aid

Provides services for women and children who have been affected by domestic abuse, rape and sexual abuse in the Birmingham and Solihull area.

0808 800 0028

www.bswaid.org

Child Line

Child Line provides support for any child or young person with a problem.

0800 1111

www.childline.org.uk

Children and Families Across Borders

CAFAB identify and protect vulnerable children who have been separated from their families in complex situations due to conflict, trafficking, migration, family breakdown or asylum-related issues.

020 7735 8941

info@cfab.org.uk

www.cfab.org.uk

Citizens Advice Bureau

The Citizens Advice Bureau offers free, confidential and impartial information and advice on a wide range of subjects including housing, employment, immigration and personal matters.

England: 0800 144 8848

Wales: 0800 702 2020

www.citizensadvice.org.uk

Domestic Abuse and Forced Marriage Helpline (Scotland)

This helpline is available to support anyone with experience of domestic abuse or forced marriage, as well as their family members, friends, colleagues and professionals who support them. They provide a confidential service and the helpline is open 24/7.

0800 027 1234

helpline@sdafmh.org.uk

<https://sdafmh.org.uk/#>

Freedom Charity

Freedom Charity aims to empower young people to feel they have the tools and confidence to support each other and to have practical ways to help their friends around the issues of forced marriage and 'dishonour'-based violence and FGM. Freedom Charity has PHSE-accredited lesson plans on forced marriage and FGM and offers assemblies for schools and training for frontline professionals.

0845 607 0133, Text "4freedom" 88802

Free app available online to download

www.freedomcharity.org.uk

Gaia Centre (London)

The Gaia Centre provides confidential and independent support for anyone experiencing gender-based violence in the London borough of Lambeth. It also provides refuge spaces.

0207 733 8724

www.refuge.org.uk - search for 'Gaia Centre'

Galop

Galop supports LGBT+ people who have experienced domestic abuse, sexual violence, hate crime, so-called conversion therapies, 'honour'-based abuse, forced marriage, and other forms of abuse.

0800 999 5428

advice@galop.org.uk

www.galop.org.uk

Gatwick Travel Care

This service ensures that young people are able to leave the airport and arrive at their destination safely and without delay. Victims of forced marriage may require assistance when they arrive at Gatwick, and Travel Care can be contacted for advice. The service is available 9am to 5pm Monday to Friday, and 9am to 4pm on Saturdays, Sundays and Bank Holidays.

01293 504283

www.gatwick-airport-guide.co.uk/disabled-facilities.html

Halo Project

The Halo Project is based in the North-East of England and provides support to victims of 'honour'-based abuse and forced marriage, by providing appropriate advice and support to victims.

01642 683045

info@haloproject.org.uk

www.haloproject.org.uk/

Heathrow Travel Care

This is a crisis intervention service offering support to vulnerable people at Heathrow Airport. Victims of forced marriage may require assistance upon arrival at the airport and Heathrow Travel Care can be contacted for advice and guidance.

020 8745 7495

www.heathrowtravelcare.com

Imkaan

Imkaan is dedicated to addressing violence against Black and minoritised women and girls. The organisation works on issues such as domestic abuse, forced marriage and 'honour'-based abuse. They work at local, national and international level.

020 7842 8525

info@imkaan.org.uk

www.imkaan.org.uk

Include Me TOO

Include Me TOO is a national charity supporting the inclusion, rights, equality and participation of BME and marginalised communities, disabled children, young people and their families. They provide a range of services including advocacy, outreach, information and advice and support on ending all forms of abuse and harmful practices.

01902 399888

im2@includemetoo.org.uk

www.includemetoo.org.uk

IKWRO – Women's Rights Organisation

Provides advice and support to Middle Eastern women and girls facing 'honour'-based abuse, domestic abuse, forced marriage and FGM.

0207 920 6460

www.ikwro.org.uk

JAN Trust

Raises awareness and prevents abuse and violence against women and girls including 'honour'-based abuse, domestic abuse, forced marriage and FGM. It provides a specialist service for BME and Muslim women.

0208 889 9433

www.jantrust.org

Karma Nirvana

Karma Nirvana is a national charity supporting victims and survivors of 'honour'-based abuse and forced marriage. They run a national helpline offering direct support and guidance to victims and professionals. They support anyone affected by 'honour'-based abuse and forced marriage, not determined by age, gender, faith or sexuality.

0800 5999 247

support@karmanirvana.org.uk

www.karmanirvana.org.uk

Language line

This service can provide an interpreter on the telephone immediately in 100 different languages, 24 hours a day. This is not a free service.

0800 169 2879

www.languageline.co.uk

Live Fear Free Helpline (Wales)

The Live Fear Free Helpline, run by Welsh Women's Aid, provides free, 24-hour help and advice about violence against women and girls. Their helpline service can also offer support for those who are experiencing 'honour'-based abuse or forced marriage.

0808 80 10 800

info@livefearfreehelpline.wales

<https://gov.wales/live-fear-free>

London Black Women's Project

Works with BME women in London who have experienced domestic abuse. They can help with information, housing and homelessness, safe space, healing and recovery through art, advice and advocacy, key working and therapeutic support.

0208 472 0528

info@lbwp.co.uk

<https://www.lbwp.co.uk>

National Domestic Abuse Helpline (run by Refuge)

Refuge's National Domestic Abuse Helpline provides a free, confidential support service 24 hours a day to victims of domestic abuse and those who are worried about friends or loved ones.

0808 2000 247

<https://www.nationaldahelpline.org.uk>

Naz & Matt Foundation

The Naz & Matt Foundation supports LGBTQI+ individuals, their friends and family to work towards resolving challenges linked to sexuality or gender identity.

www.nazandmattfoundation.org

NSPCC FGM Helpline

The NSPCC provide a dedicated helpline for those concerned that a child is at risk of or has already undergone FGM.

0800 028 3550

fgm.help@nspcc.org.uk

www.nspcc.org.uk

Palm Cove Society

Palm Cove Society provides supported accommodation for single homeless refugees, eligible destitute asylum seekers or migrants and unaccompanied asylum seeking children leaving care. They can also accommodate any of the aforementioned women fleeing domestic abuse.

Leeds: 0113 230 2271

Bradford: 01274 733 765

www.palmcovesociety.co.uk

Rape Crisis

Rape Crisis centres provide crisis and long-term specialised counselling, support and independent advocacy for women and girls of all ages who have experienced any form of sexual violence either recently or in the past.

0808 802 9999

rcewinfo@rapecrisis.org.uk

www.rapecrisis.org.uk

Respond

Respond provides a range of services to both victims and perpetrators of sexual abuse who have learning disabilities and those who have been affected by other trauma. They also offer support and training to families, carers and professionals.

020 7383 0700

www.respond.org.uk

Reunite

Reunite specialises in international parental child abduction. It operates a 24-hour advice line providing advice and information to parents, family members and guardians who have had a child abducted or who fear abduction.

0116 255 6234 (advice line)

reunite@dircon.co.uk

www.reunite.org

Rights of Women

Rights of Women informs and educates women concerning their legal rights. Their advice lines provide free, confidential advice to women on family law and domestic and sexual violence and immigration and asylum law.

www.rightsofwomen.org.uk/

Roshni Sheffield Resource Centre for Asian Women and Girls

The Roshni centre aims to advance the welfare and education of South Asian women in Sheffield. They provide a range of activities and services including advocacy support, emotional support and counselling, training and learning opportunities.

0114 250 8898

admin@roshnisheffield.org.uk

<https://www.roshnisheffield.co.uk/>

Samaritans

A 24-hour helpline for any person in emotional distress.

116 123

www.samaritans.org

Savera UK

Savera UK provides confidential, emotional and practical support to survivors of 'honour'-based abuse and harmful practices. They tackle culturally-specific abuse in the UK, including forced marriage and FGM.

0800 107 0726

www.saverauk.co.uk

Sharan Project

Provides support and advice to vulnerable women, particularly of South Asian origin, who have been or are at risk of being disowned due to abuse or persecution.

0844 504 3231

info@sharan.org.uk

www.sharan.org.uk

Solace

Works with women and children who have been affected by domestic and sexual violence. Provides a range of services including emergency accommodation.

0808 802 5565

advice@solacewomensaid.org

www.solacewomensaid.org

Southall Black Sisters

Southall Black Sisters specialise in domestic and gender related violence locally and nationally, including forced marriage and 'honour'-based abuse. They provide specialist advice, information, casework, advocacy, counselling and self-help support services to women in several languages.

0208 571 9595

info@southallblacksisters.co.uk

www.southallblacksisters.org.uk

Victim Support

Victim Support offers information and support to victims of crime, whether or not they have reported the crime to the police. All help given is free and confidential. The national helpline is open 24/7.

0808 168 9111

www.victimsupport.org.uk

Welsh Refugee Council

The Welsh Refugee Council is an independent charity that empowers refugees and asylum seekers to rebuild their lives in Wales. They provide advice, information and support for asylum seekers and refugees and offer specialist services in areas such as housing, health and employment.

0808 196 7273

www.wrc.wales

Welsh Women's Aid

Welsh Women's Aid provides a free helpline service via the Live Fear Free Helpline in Wales (see page 147 for further details).

0808 80 10 800

info@livefearfreehelpline.wales

<https://www.welshwomensaid.org.uk/>

GENERAL CONTACTS

Police (in an emergency)	999
Police (non-emergency)	101
Forced Marriage Unit (FMU)	020 7008 0151 (+44 (0)20 7008 0151 from overseas)
NSPCC Child Protection Helpline www.nspcc.org.uk	0800 800 5000
Citizens Advice Bureau www.citizensadvice.org.uk	0344 4 111 444
Child Line www.childline.org.uk	0800 1111
UK Visas and Immigration (Home Office)	0300 123 2241
Samaritans www.samaritans.org	116 123
Court of Protection	0300 456 4600

British High Commissions and Embassies

For the most up-to-date information on all our High Commissions and Embassies, including contact details and opening times, please visit:
<https://www.gov.uk/world/embassies>.

Please contact the Forced Marriage Unit (FMU) if you require further details about the services available in a specific country. In some locations, consular services may be delivered remotely from a neighbouring country. The FMU's telephone number is 020 7008 0151 and their email address is fmu@fcdo.gov.uk. If you need to contact the FMU outside these hours, for example to request emergency consular assistance which is available by phone 24/7 from anywhere in the world, please telephone the Foreign, Commonwealth, & Development Office on 020 7008 5000.

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