



Home Office

# Preventing and tackling forced marriage: a consultation

## Government consultation

This consultation begins on 15 November 2018

This consultation ends on 23 January 2019

## About this consultation

To:	The public, in particular victims and survivors of forced marriage, those with expertise in the area of forced marriage, and relevant professionals.
Duration:	From 15 November 2018 to 23 January 2019
Enquiries (including requests for the paper in an alternative format) to:	Interpersonal Violence Team, Public Protection Unit 5 <sup>th</sup> Floor, Fry Building 2 Marsham Street London SW1P 4DF Email: <a href="mailto:forcedmarriageconsultation@homeoffice.gov.uk">forcedmarriageconsultation@homeoffice.gov.uk</a>
How to respond:	To help us analyse the responses please submit your response using the following online form:  <a href="https://www.homeofficesurveys.homeoffice.gov.uk/s/ForMar18/">https://www.homeofficesurveys.homeoffice.gov.uk/s/ForMar18/</a>  Please send your response by 23:00 on 23 January 2019.  If, for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a Word document version of the form and email it or post it to:  Interpersonal Violence Team, Public Protection Unit 5 <sup>th</sup> Floor, Fry Building 2 Marsham Street London SW1P 4DF Email: <a href="mailto:forcedmarriageconsultation@homeoffice.gov.uk">forcedmarriageconsultation@homeoffice.gov.uk</a>

# Contents

Foreword	4
Introduction	6
Background	7
Government strategy to tackle forced marriage	8
Part A: Mandatory Reporting of Forced Marriage	9
Section 1: Introduction of a duty	9
Section 2: How a duty could be framed	10
Impact	17
Wider questions	17
Part B: Guidance on Forced Marriage	18
Questionnaire	20
About you	24
Contact details and how to respond	26
Consultation principles	28

## Foreword



Forced marriage is a serious crime. Our freedom to choose a spouse is a fundamental human right - its denial can never be justified. Marriage without consent is a crime and, when it affects children, it is also child abuse. For the coerced party or parties, forced marriage can lead to isolation, restricted social development and life chances, and physical and sexual violence. Victims of forced marriage can be of any age, gender, ethnicity and culture. Every major faith condemns it.

For the Government, tackling forced marriage is an absolute priority, and a key part of the cross-Government tackling violence against women and girls strategy. We made forced marriage, and the breach of a forced marriage protection order, criminal offences, and introduced lifelong anonymity for victims. Through funding including the Violence Against Women and Girls Transformation Fund we are providing support to local projects which help to tackle forced marriage. And through the joint Home Office and Foreign & Commonwealth Office Forced Marriage Unit we continue to help victims, provide advice to professionals and raise awareness of this issue. This has all helped to encourage those who have suffered this terrible crime to speak out.

However, we know that forced marriage remains a hidden crime. Victims may stay silent, fearing isolation or worse from their family and/or community. That is why the role of frontline professionals in health, education and social care, who may come across signs of forced marriage, is so crucial. They may have only one chance to speak to – and save – a potential victim. In 2014 we published two pieces of guidance – for leaders and front-line staff in those sectors – outlining their responsibilities in tackling forced marriage.

With such a disparity between the prevalence and reporting of forced marriage, it is right that we as a Government consider what else we can do to increase reporting, deter potential perpetrators and improve protections for victims. This consultation explores two ways in which we might do those things: the possibility of introducing a legal duty requiring professionals to report cases, and updates to the guidance we published in 2014. We know that this is a complex issue and that is why we want to hear the views of those who are expert in or affected by it.

I would encourage you to respond to this consultation and I look forward to hearing your views. Working together, I know that we will be able to reduce, and one day end, this terrible crime.

A handwritten signature in black ink, appearing to read 'S. Javid', with a small comma at the end.

**Rt Hon. Sajid Javid MP**

**Home Secretary**

# Introduction

This consultation seeks views about whether it is necessary to introduce a new legal **mandatory reporting duty** relating to cases of forced marriage and, if it is, what such a reporting requirement would look like. It also seeks views on how the current **guidance on forced marriage** could be improved and strengthened.

The consultation is open to everyone. We are particularly interested in hearing from victims and survivors of forced marriage, those with expertise in the area of forced marriage, and relevant professionals, including those working in social care, education, the police and healthcare. The geographical scope of this consultation is England and Wales.

An Impact Assessment will be carried out after this consultation if the policy decisions which the Government is minded to take in the light of it mean that one is necessary. There are questions about impact in this consultation.

However, this list is not meant to be exhaustive or exclusive and responses are welcomed from anyone with an interest in or views on the subject covered by this paper.

# Background

A forced marriage is a marriage where one or both of the spouses does not consent to the marriage and is coerced into it, or where one or both of the spouses lacks the capacity to consent. Coercion may involve violence, threats, or different types of pressure (e.g. psychological, financial, or emotional). Forced marriage is a criminal offence in England and Wales under section 121 of the Anti-social Behaviour, Crime and Policing Act 2014. The offence applies regardless of whether the marriage ceremony is legally binding or not.

There is a clear distinction between a forced marriage and an arranged marriage. In arranged marriages, the families of both parties take a leading role in arranging the marriage, but the choice of whether or not to accept the arrangement lies with the prospective spouses. However, in a forced marriage this choice is removed for one or both of the potential spouses.

The joint Home Office and Foreign & Commonwealth Office Forced Marriage Unit provides support and advice on forced marriage to victims, professionals and those at risk, via its public helpline<sup>1</sup>. In 2017, the unit provided support in 1,196 cases<sup>2</sup>.

The prevalence of forced marriage in the UK is challenging to estimate because of the hidden nature of the crime. Research carried out by the then Department for Children, Schools and Families in 2009 estimated that there were between 5,000 and 8,000 reported cases of forced marriage in England in the previous year.

The most recent Crown Prosecution Service Violence Against Women and Girls Report shows that there was an increase in forced marriage flagged referrals<sup>3</sup> from the police to the Crown Prosecution Service, charged suspects and prosecutions in 2017–18, with an increase in the volume of convictions<sup>4</sup>. To date, there have been four convictions under the forced marriage offence since its introduction in 2014.

While this is encouraging, the numbers still remain relatively small and there is a disparity between the estimated prevalence of forced marriage and the number of referrals to the police. This consultation looks at ways in which the safeguarding response to this crime could be strengthened to improve protection for victims, ensure perpetrators are brought to justice, and ultimately help prevent forced marriage occurring in the first place.

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<sup>1</sup> 020 7008 0151 <https://www.gov.uk/guidance/forced-marriage>

<sup>2</sup> <https://www.gov.uk/government/statistics/forced-marriage-unit-statistics-2017>

<sup>3</sup> The data includes all cases flagged as ‘forced marriage’ and not just those related to the forced marriage offence introduced in 2014.

<sup>4</sup> <https://www.cps.gov.uk/publication/violence-against-women-and-girls>

## Government strategy to tackle forced marriage

The Government is clear that forced marriage is a crime, and where a child is involved, it is also child abuse. Tackling forced marriage forms a key part of the cross-Government Violence Against Women and Girls Strategy. The Government recognises that tackling forced marriage requires a coordinated approach.

A range of work has been taken forward by Government in recent years to help tackle forced marriage, including:

- the introduction of a specific criminal offence of forced marriage and the criminalisation of breach of a Forced Marriage Protection Order via the Anti-social Behaviour, Policing and Crime Act 2014;
- the introduction of lifelong anonymity for victims of forced marriage via the Policing and Crime Act 2017;
- the publication of statutory multi-agency guidance on forced marriage and multi-agency practice guidelines in 2014, as well as the introduction of free e-learning; and
- ongoing awareness raising work by and support from the joint Home Office and Foreign & Commonwealth Office Forced Marriage Unit.

# Part A: Mandatory Reporting of Forced Marriage

It is important that this part of the consultation is considered in the context of the range of measures already in place to tackle forced marriage. A new duty will not on its own prevent forced marriage, improve support and protection for victims, or ensure punishment of offenders. However, the Government wants to understand whether introducing a mandatory reporting duty for forced marriage, taken together with wider work, might help achieve these aims.

## Section 1: Introduction of a duty

Introducing a mandatory reporting duty for forced marriage may lead to a greater number of victims and potential victims being identified to the police and social services. Forced marriage is a crime in England and Wales, whether it takes place in the UK or involves (whether as the offender or victim) a UK resident or national abroad. Alerting the police through mandatory reporting would allow them to investigate the facts of each case and should increase the number of perpetrators prosecuted for this crime. An increase in prosecutions for forced marriage could in turn act as a deterrent and ultimately prevent forced marriage from occurring in the first place.

We know that there are barriers to forced marriage being reported and investigated, including a reliance on victims or witnesses to report to the police (given the likely family and community elements to this crime), and limited referrals from health, education and social care professionals. The Government wants to ensure that cases are being appropriately reported to the police by safeguarding professionals, in order to increase investigations and potential prosecutions.

However, the Government is also mindful that there may be risks involved with introducing a mandatory reporting duty for forced marriage. If improperly implemented, a mandatory duty could undermine the trust between victims and safeguarding professionals. There is also a need to strike the right balance between ensuring that professionals appropriately identify victims and potential victims and not creating a 'risk averse' system where all cases of possible forced marriage are reported, which would adversely impact on the police's ability to prioritise cases, and potentially stigmatise whole communities.

## Preventing and tackling forced marriage: a consultation

Any new duty would have to be seen in the context of existing statutory responsibilities and guidance (for example, Working Together to Safeguard Children<sup>5</sup> (in England) and Working Together to Safeguard People<sup>6</sup> (in Wales)), which makes it clear that any practitioner who suspects that a child has suffered abuse (of any form), or is at risk of abuse, should make a referral to children's social care.

**Question 1: Do you feel that the introduction of a mandatory reporting duty for forced marriage would improve the safeguarding response to this crime?**

- Yes
- No
- Don't know

## Section 2: How a duty could be framed

If a duty were to be introduced, consideration would need to be given to how it would be framed, including who would be required to comply with it and what sort of cases it would apply to. A duty could, for example, mirror the approach taken for the mandatory reporting duty introduced in 2015 for female genital mutilation<sup>7</sup>, or it could take a broader approach by applying to a broader range of professionals and/or capturing a wider variety of cases.

### 2.1 Scope

#### 'Known', 'suspected' or 'at risk' cases of forced marriage?

There are three main options for what types of cases could be reported under a new duty: it could apply to 'known', 'suspected' or 'at risk' cases of forced marriage.

- 'Known' cases are defined as those which are disclosed by the victim (after the marriage has taken place) to a professional.
- 'Suspected' cases are defined as those where a professional has observed risk factors which lead them to believe that the individual may have been forced into marriage.
- 'At risk' cases are defined as those where professionals believe an individual may be at risk of being forced into marriage but the crime has not yet occurred.

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<sup>5</sup> <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

<sup>6</sup> <https://gov.wales/topics/health/socialcare/act/code-of-practice/?lang=en>

<sup>7</sup> <https://www.gov.uk/government/publications/mandatory-reporting-of-female-genital-mutilation-procedural-information>

In addition to ensuring that appropriate action was taken where a crime has occurred, reporting only 'known' cases would ensure appropriate safeguarding action was taken in relation to any other family members (e.g. younger siblings) who were considered at risk. However, if a duty was restricted to 'known' cases only it would need to be clear that this did not alter the position in respect of 'suspected' or 'at risk' cases and that professionals would still need to take appropriate action as outlined in the multi-agency guidance on forced marriage.

A mandatory reporting duty for all 'suspected' and 'at risk' cases of forced marriage would potentially provide the opportunity for a multi-agency safeguarding response to be put in place to protect those at risk and prevent them being forced into marriage. However, there are risks associated with this approach. For example, it is extremely challenging to compile a generic list of definitive risk factors; cases must be looked at individually to ensure risk assessment is tailored to the circumstances of the case.

A duty which applied to 'suspected' and/or 'at risk' cases could result in professionals adopting a very wide interpretation of risk, leading to:

- the (unintended) targeting of particular communities which could jeopardise the positive work being done by Government and others to support affected communities in driving change;
- a sharp increase in referrals, making it more challenging for high risk cases to be identified; and
- a disproportionate focus on forced marriage in comparison to other areas of safeguarding.

Were a more broadly framed duty to be introduced, consideration would need to be given to how to help mitigate these risks (including, for example, through robust training and guidance).

**Question 2(a): If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to:**

- **'Known' cases (yes/no/don't know)**
- **'Suspected' cases (yes/no/don't know)**
- **'At risk' cases (yes/no/don't know)**

**Question 2(b): If a mandatory reporting duty for forced marriage was introduced for ‘suspected’ and/or ‘at risk’ cases, what safeguards do you think could be put in place to help mitigate the risks outlined above?**

### **Children and/or adults?**

A mandatory reporting duty could apply to under 16s only, 16 to 18-year olds, under 18s and, in each case, also to vulnerable adults, or to all victims or individuals at risk. Applying the duty regardless of the age of the individual involved would ensure that the police and safeguarding authorities are aware of all potential victims who have come into contact with public services and have been identified as having been or being ‘at risk’ of forced marriage. For example, the reporting of a parent who had been forced into marriage could support a more robust risk assessment being made of their children. However, such a wide-ranging requirement may risk placing a disproportionate burden on professionals, with no clear safeguarding benefits. In addition, a duty which also applied to adults would depart from existing confidentiality requirements and may be a disincentive for victims to seek professional advice and assistance.

An alternative approach would be to apply the duty to any of under 16s only/16 to 18-year olds/under 18s and to vulnerable adults. A learning or physical disability or illness may add to an individual’s vulnerability and may make it more difficult for them to report abuse or to leave an abusive situation. However, similar challenges in respect of confidentiality and victims seeking support may still apply to vulnerable adults.

Applying the duty to under 18s only would be consistent with the existing statutory responsibilities professionals have to report child abuse, including the female genital mutilation mandatory reporting duty. However, under 18s may still be reluctant to disclose that they have been forced into marriage, particularly if the duty required the disclosure to be automatically referred to the police - the older the individual, the more likely this may be. Restricting the duty to under 16s could help further mitigate this risk. Were the duty to be limited to under 18s or under 16s, professionals would still be required to report cases of forced marriage in adults appropriately, particularly where they considered that a crime had been committed, as set out in the multi-agency guidance on forced marriage.

**Question 3: If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to cases involving:**

- **under 16s (yes/no/don’t know)**
- **16 and 17-year olds (yes/no/don’t know)**
- **under 18-year olds (yes/no/don’t know)**
- **vulnerable adults (yes/no/don’t know)**
- **other adults (yes/no/don’t know)**

## 2.2 Which professionals should be subject to a duty, and to whom should referrals be made?

A range of individuals may become aware of cases of forced marriage, including education, health and social care professionals, and those working in the voluntary and community sector.

The professionals most likely to encounter cases of forced marriage are teachers and health and social care professionals. One approach would therefore be for any duty to apply to teachers and regulated health and social care professionals.

An alternative approach would be for a duty to apply to those individuals working in statutory agencies as described above and those working in voluntary and community sector organisations – this would provide the greatest opportunity to capture as many cases as possible. However, framing a duty this broadly may also risk people's engagement with services, particularly in relation to the voluntary and community sector. It may also be more challenging to ensure that individuals whose profession is not overseen by, for example, a regulatory body, understand their responsibilities under a duty.

**Question 4: If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to:**

- **teachers (yes/no/don't know)**
- **regulated health professionals (including doctors, nurses etc.) (yes/no/don't know)**
- **regulated social care professionals (yes/no/don't know)**
- **voluntary and community sector workers (yes/no/don't know)**
- **other (please specify)**
- **don't know**

The Government also wants to consider to whom reports should be made. A report made under a forced marriage mandatory reporting duty would need to be followed up from both a criminal and safeguarding perspective, so it could be made to the police, social care, or both. Whichever agency a report was made to, a multi-agency safeguarding response would be needed (in line with wider guidance such as Working Together to Safeguard Children<sup>8</sup> (in England) and Working Together to Safeguard People<sup>9</sup> (in Wales)) The Government would also make clear to professionals that they should not delay making a parallel referral to children's social care where necessary, and that cases not captured by the duty should continue to be appropriately referred in line with wider safeguarding responsibilities.

**Question 5: If a mandatory reporting duty for forced marriage was introduced, do you think it should require reports to be made to:**

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<sup>8</sup> <https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

<sup>9</sup> <https://gov.wales/topics/health/socialcare/act/code-of-practice/?lang=en>

- **the police only**
- **social care only**
- **the police and social care jointly**
- **other (please specify)**
- **don't know**

### Wales

In Wales, section 130 of the Social Services and Well-being (Wales) Act 2014 requires “relevant partners”<sup>10</sup> of the local authority to inform the local authority where they have reasonable cause to suspect that a child within the local authority’s area is a child at risk (i.e. is experiencing or is at risk of abuse, neglect or other kinds of harm, and has needs for care and support). Should a duty be introduced, the Government would ensure that there was no conflict with the wider arrangements in place in Wales.

### 2.3 Timings of referrals and multiple referrals

If a duty were to be introduced, when referrals should be made would also need to be considered. One option would be for reports under the duty to be made at the time of disclosure. This would be consistent with existing duties on professionals to report child abuse, including the female genital mutilation mandatory reporting duty.

However, there are alternative approaches which could be considered (particularly, for example, if the duty involved suspected cases or adults). Different approaches could include, for example:

- a duty to report only where the individual concerned has consented; or
- a requirement for the report to be made at an appropriate moment within a given time period (for example within one month of initial disclosure, in order to allow the

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<sup>10</sup> Section 162(4) of the Social Services and Well-being (Wales) Act 2014 defines relevant partners as follows:

- “(a) the local policing body and the chief officer of police for a police area any part of which falls within the area of the local authority;
- (b) any other local authority with which the authority agrees that it would be appropriate to co-operate under this section;
- (c) the Secretary of State to the extent that the Secretary of State is discharging functions under sections 2 and 3 of the Offender Management Act 2007 in relation to Wales;
- (d) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a relevant partner of the authority;
- (e) a Local Health Board for an area any part of which falls within the area of the authority;
- (f) an NHS trust providing services in the area of the authority;
- (g) the Welsh Ministers to the extent that they are discharging functions under Part 2 of the Learning and Skills Act 2000;
- (h) such a person, or a person of such description, as regulations may specify.”

professional to ensure during that period that any potential negative impact to the individual or family could be mitigated).

**Question 6: If a mandatory reporting duty for forced marriage was introduced then do you think reports should be made:**

- **at the point of initial disclosure (i.e. immediately/as soon as possible)**
- **within a specified time period (e.g. one month) (please state what you feel an appropriate time period would be)**
- **only if/when the individual consents**
- **other (please specify)**
- **don't know**

In addition, consideration must be given to the fact that an individual may be in contact with multiple organisations over a period of time and therefore may make more than one disclosure. A duty which required repeated reports from different organisations may have implications for an individual who may be dissuaded from accessing services following repeated and (if the duty is framed broadly) potentially unnecessary reports. Conversely, it is important to recognise that an individual's circumstances may change, so a duty which supported multiple reports may be a useful tool.

Any duty would also need to address the challenge of knowing when, across multiple organisations, an individual has been reported. For a duty which required only a single report to work, there would need to be sufficient information sharing and links between the different bodies to ensure all professionals who may receive a disclosure from the victim know that a report has already been made. To address this challenge, an alternative approach would be to require a report to be made once from within each profession (for example, a case might be reported once by a doctor and once by a teacher, to limit burdens while also promoting a multi-agency approach). This would mean that if a professional was aware that another individual from their profession had already reported a case in line with the requirements of the duty then they would not be required to make a second report.

**Question 7: If a mandatory reporting duty for forced marriage was introduced, do you think it should require a report to be made:**

- **once per profession**
- **once per individual professional**
- **other (please specify)**
- **don't know**

## **2.4 Consequences of failure to report**

An essential element of any mandatory reporting duty for forced marriage would be the consequences which might follow if an individual fails to comply with the duty.

Were a duty to be introduced, it would be important for any potential consequences for failure to comply to strike the right balance between being robust and being proportionate, and for it to be possible for the circumstances of the particular case to be taken into account as far as possible.

One option would be for failure to comply with a duty to be considered by the relevant professional regulator/employer. This approach would ensure that where an individual failed to comply there would be scope for the regulator's/employer's actions to take into account the circumstances of the specific case. For example, actions may range from a warning, to re-training or supervision, to dismissal or barring, depending on the options open to the regulator/employer and the seriousness of the individual's failure to comply. For health and social care professionals, a fitness to practise panel may consider the case and determine whether the registrant's fitness to practise is impaired. If they deem a registrant's fitness to practise is impaired they may issue a sanction, including erasure from the relevant register.

An alternative option would be for failure to comply to be a criminal offence. This would ensure that any instance of failure to comply with the duty was dealt with robustly, however it may also risk a disproportionate response where, for example, a more appropriate course of action is re-training.

**Question 8: If a mandatory reporting duty for forced marriage was introduced, do you think failure to comply with it should be:**

- **considered by the relevant professional regulator/employer**
- **a criminal offence**
- **other (please specify)**
- **don't know**

## Impact

We know that those who would be required to comply with any mandatory reporting duty will already have a range of safeguarding responsibilities. We want to make sure that any new requirements would not place disproportionate burdens on them. Therefore:

**Question 9: What evidence or information do you have on the expected increase in reports to the police from introducing mandatory reporting of forced marriage and how do you think they would vary with the different proposals?**

**Question 10: What evidence or information do you have on the length of time which would be required to refer a case of suspected forced marriage to the police, the length of time which the police would spend investigating such a case, and any other costs to statutory agencies of complying with the duty?**

**Question 11: Would there be any other implications for frontline professionals of introducing a mandatory reporting duty for forced marriage?**

- Yes [please outline]
- No
- Don't know

**Question 12: Would the introduction of a mandatory reporting duty have any equalities implications and, if so, how could these be addressed?**

- Yes [please outline how these could be addressed]
- No
- Don't know

## Wider questions

**Question 13: Are there any benefits to introducing a mandatory reporting duty for forced marriage which are not highlighted in this consultation?**

- Yes [please outline]
- No

**Question 14: Are there any risks to introducing a mandatory reporting duty for forced marriage which are not highlighted in this consultation?**

- Yes [please outline]
- No

## Part B: Guidance on Forced Marriage

To help ensure that relevant safeguarding professionals and organisations understand, recognise, and respond appropriately and effectively to forced marriage, the Government has made a range of materials available. These include specific guidance on forced marriage, which was published in 2014:

- *Right to Choose: Multi-agency statutory guidance for dealing with forced marriage*<sup>11</sup> applies to all persons and bodies who exercise public functions in relation to safeguarding and promoting the welfare of children and vulnerable adults. This guidance is prepared and published in accordance with the provisions in section 63Q of the Family Law Act 1996. Section 63Q (2) of the 1996 Act requires any person exercising public functions to whom the guidance is given to have regard to the guidance in the exercise of those public functions; and
- *Multi-agency practice guidelines: handling cases of forced marriage*<sup>12</sup> which provides step-by-step advice for frontline workers.

We want to look at how the guidance could be improved, and in particular would welcome views on the following:

**Question 15: Are there substantive amendments which could be made to the statutory guidance which would help to prevent forced marriage and protect and support victims?**

**Question 16: Are there substantive amendments which could be made to the practice guidelines which would help to prevent forced marriage and protect and support victims?**

As outlined above, there are currently two main pieces of Government guidance on forced marriage: step-by-step advice for frontline professionals, and guidance for all persons and bodies who exercise public functions in relation to safeguarding and promoting the welfare of children and vulnerable adults. To help ensure the relevant information on forced marriage is easily accessible, one option for the updated guidance would be to produce one piece of guidance suitable for use by both audiences.

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<sup>11</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/322310/HMG\\_Statutory\\_Guidance\\_publication\\_180614\\_Final.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322310/HMG_Statutory_Guidance_publication_180614_Final.pdf)

<sup>12</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/322307/HMG\\_MULTI\\_AGENCY\\_PRACTICE\\_GUIDELINES\\_v1\\_180614\\_FINAL.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf)

**Question 17: Do you think that the statutory multi-agency guidance and the practice guidelines should be combined to provide one clear document for professionals?**

- **Yes**
- **No**
- **Don't know**

Forced marriage is a form of so called 'honour-based' violence/abuse<sup>13</sup>, and we know that victims or those at risk of forced marriage may experience or go on to experience wider forms of abuse such as domestic abuse or sexual violence. Given the overlap between these issues, it may be beneficial for the guidance to include more information on 'honour-based' violence/abuse more generally.

**Question 18: Do you think that the guidance should be broadened to include information on so called 'honour-based' violence/abuse?**

- **Yes**
- **No**
- **Don't know**

**Question 18a: If yes, is there specific information and advice on so called 'honour-based' violence/abuse which you think should be included?**

**Question 19: Are there any other factors which you believe should be considered in relation to the guidance on forced marriage?**

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<sup>13</sup> So called 'honour-based' violence/abuse is an umbrella term which captures crimes or acts carried out in the name of protecting or defending the family or community's 'honour'.

# Questionnaire

We would welcome responses to the following questions set out in this consultation paper.

**Question 1: Do you feel that the introduction of a mandatory reporting duty for forced marriage would improve the safeguarding response to this crime?**

- Yes
- No
- Don't know

**Question 2(a): If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to:**

- 'Known' cases (yes/no/don't know)
- 'Suspected' cases (yes/no/don't know)
- 'At risk' cases (yes/no/don't know)

**Question 2(b): If a mandatory reporting duty for forced marriage was introduced for 'suspected' and/or 'at risk' cases, what safeguards do you think could be put in place to help mitigate the risks outlined above?**

**Question 3: If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to cases involving:**

- under 16s (yes/no/don't know)
- 16 and 17-year olds (yes/no/don't know)
- under 18-year olds (yes/no/don't know)
- vulnerable adults (yes/no/don't know)
- other adults (yes/no/don't know)

**Question 4: If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to:**

- teachers (yes/no/don't know)
- regulated health professionals (including doctors, nurses etc.) (yes/no/don't know)
- regulated social care professionals (yes/no/don't know)
- voluntary and community sector workers (yes/no/don't know)
- other (please specify)
- don't know

**Question 5: If a mandatory reporting duty for forced marriage was introduced, do you think it should require reports to be made to:**

- the police only
- social care only
- the police and social care jointly
- other (please specify)
- don't know

**Question 6: If a mandatory reporting duty for forced marriage was introduced then do you think reports should be made:**

- at the point of initial disclosure (i.e. immediately/as soon as possible)
- within a specified time period (e.g. one month) (please state what you feel an appropriate time period would be)
- only if/when the individual consents
- other (please specify)
- don't know

**Question 7: If a mandatory reporting duty for forced marriage was introduced, do you think it should require a report to be made:**

- once per profession
- once per individual professional
- other (please specify)
- don't know

**Question 8: If a mandatory reporting duty for forced marriage was introduced, do you think failure to comply with it should be:**

- considered by the relevant professional regulator/employer
- a criminal offence
- other (please specify)
- don't know

**Question 9: What evidence or information do you have on the expected increase in reports to the police from introducing mandatory reporting of forced marriage and how do you think they would vary with the different proposals?**

**Question 10: What evidence or information do you have on the length of time which would be required to refer a case of suspected forced marriage to the police, the length of time which the police would spend investigating such a case, and any other costs to statutory agencies of complying with the duty?**

**Question 11: Would there be any other implications for frontline professionals of introducing a mandatory reporting duty for forced marriage?**

- Yes [please outline]
- No
- Don't know

**Question 12: Would the introduction of a mandatory reporting duty have any equalities implications and, if so, how could these be addressed?**

- Yes [please outline how these could be addressed]
- No
- Don't know

**Question 13: Are there any benefits to introducing a mandatory reporting duty for forced marriage which are not highlighted in this consultation?**

- Yes [please outline]
- No

**Question 14: Are there any risks to introducing a mandatory reporting duty for forced marriage which are not highlighted in this consultation?**

- Yes [please outline]
- No

**Question 15: Are there substantive amendments which could be made to the statutory guidance which would help to prevent forced marriage and protect and support victims?**

**Question 16: Are there substantive amendments which could be made to the practice guidelines which would help to prevent forced marriage and protect and support victims?**

**Question 17: Do you think that the statutory multi-agency guidance and the practice guidelines should be combined to provide one clear document for professionals?**

- Yes
- No
- Don't know

**Question 18: Do you think that the guidance should be broadened to include information on so called 'honour-based' violence/abuse?**

- Yes
- No
- Don't know

**Question 18a: If yes, is there specific information and advice on so called 'honour-based' violence/abuse which you think should be included?**

**Question 19: Are there any other factors which you believe should be considered in relation to the guidance on forced marriage?**

Thank you for participating in this consultation.

# About you

Please use this section to tell us about yourself

<b>Job title</b> or capacity in which you are responding to this consultation exercise (for example, member of the public)	
Date	
Company name/organisation (if applicable)	
If you would like us to acknowledge receipt of your response, please tick this box	<input type="checkbox"/> (please tick box)
Address to which any acknowledgement should be sent	

**If you are a representative of a group**, please tell us the name of the group and give a summary of the people or organisations that you represent.

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## Contact details and how to respond

To help us analyse the responses please submit your response using the following online form: <https://www.homeofficesurveys.homeoffice.gov.uk/s/ForMar18/>

Please send your response by 23:00 on 23 January 2019.

If, for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a Word document version of the form and email it or post it to:

Interpersonal Violence Team, Public Protection Unit

5<sup>th</sup> Floor, Fry Building

Home Office

2 Marsham Street

London, SW1P 4DF

e-mail: [forcedmarriageconsultation@homeoffice.gov.uk](mailto:forcedmarriageconsultation@homeoffice.gov.uk)

### Complaints or comments

If you have any complaints or comments about the consultation process you should contact the Home Office at the above address.

### Extra copies

Further paper copies of this consultation can be obtained from this address and it is also available online at

[https://www.gov.uk/government/publications?departments%5B%5D=home-office&publication\\_filter\\_option=consultations](https://www.gov.uk/government/publications?departments%5B%5D=home-office&publication_filter_option=consultations)

Alternative format versions of this publication can be requested from [forcedmarriageconsultation@homeoffice.gov.uk](mailto:forcedmarriageconsultation@homeoffice.gov.uk).

### Publication of response

A paper summarising the responses to this consultation will be published by Spring 2019.

The response paper will be available online at

[https://www.gov.uk/government/publications?departments%5B%5D=home-office&publication\\_filter\\_option=consultations](https://www.gov.uk/government/publications?departments%5B%5D=home-office&publication_filter_option=consultations)

## Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.

## Confidentiality

Information provided in response to this consultation, including personal information, may be published or disclosed in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential, please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Home Office.

The Home Office will process your personal data in accordance with the Data Protection Act and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

# Consultation principles

The principles that Government departments and other public bodies should adopt for engaging stakeholders when developing policy and legislation are set out in the consultation principles.

<https://www.gov.uk/government/publications/consultation-principles-guidance>



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