

PRACTITIONER'S GUIDE



SUPPORTING THOSE AT RISK OF Forced Marriage



“ JUST ONE CHANCE ”

There is legislation which protects people from being forced into a marriage; in 2014 it became a criminal offence to force someone to marry.

This briefing is intended to clarify practitioners' roles and responsibilities. It should be read in conjunction with Scottish Government Multi-agency Practice Guidance which is available at:

www.gov.scot/Resource/0046/00460555.pdf

A forced marriage is where one or both spouses do not (or, in the case of children / young people / adults at risk, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure, threatening conduct, harassment, threat of blackmail, use of deception and other means. It is also 'force' to knowingly take advantage of a person's incapacity to consent to, or understand the nature of, the marriage. Duress may be from parents, other family members and the wider Community.

“ONE CHANCE” RULE



Forced Marriage is a cross cutting issue impacting on areas of community safety, gender-based violence, child protection, adult protection and MARAC. The Equality Act 2010 requires statutory agencies to have due regard to the need to eliminate discrimination which is unlawful under the Act, advance equality of opportunity and foster good relations.

Staff may only have **one chance** to speak to a potential victim and thus, have **one chance to save a life**.

It is important that all professionals working within statutory agencies are aware of their responsibilities and obligations when they come across forced marriage cases. If the victim is allowed to walk out of the door without support, that one chance might be lost.

Service Contacts who can provide practice guidance are as follows:

Agency	Name	E-Mail	Telephone
Police	Michelle Johnson	michelle.johnson@scotland.pnn.police.uk	01592 418583
NHS	Fiona Duncan Susan Anderson	Fiona.duncan2@nhs.net Susan.anderson5@nhs.net	07789 273572
Social Work	Team Manager, Child Protection Team	SWCP.Team@fife.gov.uk	Ext 446911
Education	Anne Aberdein	Anne.aberdein@fife.gov.uk	Ext 473009
Housing	Lyn Murray	Lyn.murray@fife.gov.uk	Ext 480414

Agency specific guidelines can be found in the Scottish Government's "Responding to Forced Marriage – Multi-Agency Guidance"

PREVALENCE

In 2014 the Forced Marriage Unit gave information or support to 1,276 individuals. 30 of these cases were from Scotland. 79% were female, 21% male involving 88 different countries. 23% had no overseas element. Many cases of forced marriage go unreported, many families do not consider the marriage to be “forced” and many victims are reluctant to speak out.

There have been 6 individuals supported by Shakti Women's Aid in Fife in the last year. The Public Protection Unit has also supported cases, but they are likely to overlap with the Shakti statistics. There may of course be other cases that agencies are unaware of.

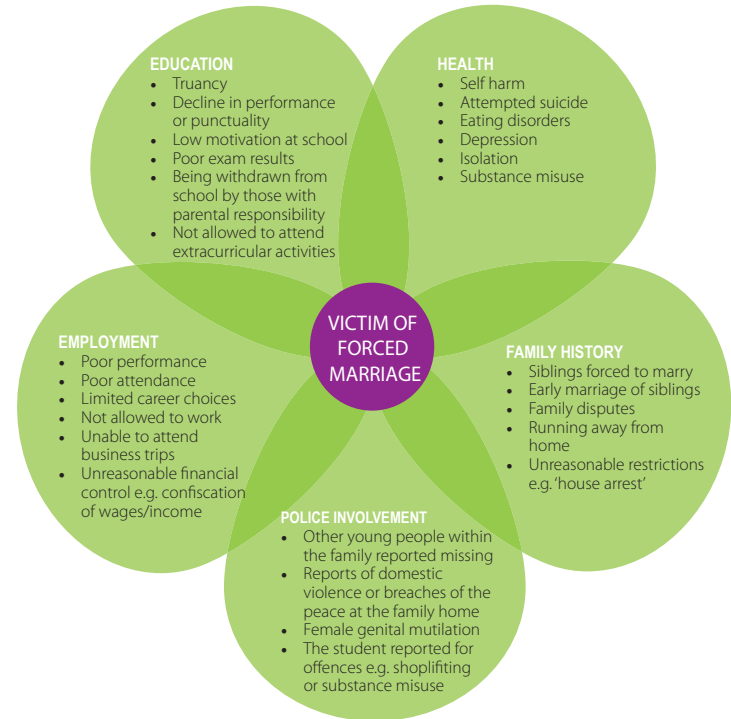
WARNING SIGNS

There are a range of reasons that victims can come to the attention of practitioners. The following are possible warning signs - they are neither conclusive nor comprehensive but are a useful check.

If you suspect forced marriage follow the **Scottish Government Multi-agency Practice Guidance** and “**One Chance Checklist**” at the back of this guide.

Particular care must be taken around **confidentiality**; it can be dangerous to involve families, friends or community leaders in any capacity.

It is not appropriate to attempt family counselling, mediation, arbitration or reconciliation.





The Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011 legislated for **Forced Marriage Protection Orders (FMPO)** which can be granted in the civil courts in Scotland to protect both adults and children at risk. In 2014 the Anti-social Behaviour, Crime and Policing Act 2014 made forcing someone into marriage a criminal offence in Scotland.

The provision is designed to enable the courts to tailor the terms of an FMPO to protect and meet the specific needs of victims of forced marriage or potential forced marriage. For example it might state that:

- the protected person must be taken to a place of safety designated in the order,
- or that the protected person be brought to a court at such time and place as the court specifies
- any violent, threatening or intimidating conduct be stopped

Any person, with leave of the court, can apply for an FMPO. However, the victim, a local authority, the Lord Advocate and any other person specified by order may apply without leave.

■ BREACH OF A FORCED MARRIAGE PROTECTION ORDER

is a criminal offence and is punishable by imprisonment for up to 2 years and/or a fine. The police may arrest without warrant any person they reasonably believe is committing or has committed a breach of a FMPO. As with any other civil order, the applicant or the protected person would be the person who would either go to court or report the breach to the police. However, any person including, for example, a friend or relative of the protected person (even if not directly affected by the order) could report a breach of a FMPO to the police for investigation.

However, the Guidance encourages the use of existing legislation and multi-agency guidance depending on circumstances these include:

- Immigration legislation
- Sexual Offences (Scotland) Act 2009
- Domestic Abuse (Scotland) Act 2011
- Prohibition of Female Genital Mutilation (Scotland) Act 2005
- Criminal Justice and Licensing (Scotland) Act 2010
- Adult Support and Protection (Scotland) Act 2007
- Adults with Incapacity (Scotland) Act 2000 and Mental Health (Care and Treatment) (Scotland) Act 2003
- National Guidance for Child Protection in Scotland (2010)

IMMEDIATE PROTECTION

There may be a need for immediate protection and emergency action, including for other siblings. Effective inter-agency working and information sharing is critical. The alleged perpetrator, extended family and wider community may all present risk to the victim.

If a Forced Marriage Protection Order is breached the police must be informed as soon as possible.

Call 101. Guidance may be sought from the public protection unit in the first instance.

ONE CHANCE CHECKLIST

DO:

- ✓ See the victim on her own – even if she is accompanied by others

 - ✓ See her immediately in a secure and private place where you will not be overheard

 - ✓ Reassure her about confidentiality (in line with your organisation's policy) and explain that you will not give information to her family/friends or community

 - ✓ Accept what she says
- ✓ Explain all the options to her and their possible outcomes

 - ✓ Recognise and respect her wishes

 - ✓ Assess the risk she faces by conducting an appropriate and thorough risk assessment

 - ✓ Contact, as soon as possible, the lead worker responsible for forced marriage (if she is under 16, refer to child protection inter-agency guidance; if she is an adult at risk, discuss with your adult support and protection lead and refer to inter-agency guidance)

ONE CHANCE CHECKLIST

- ✓ Agree a way to contact her safely (for example agree a code word)

- ✓ Obtain full details to pass on to the lead worker and record these safely

- ✓ Give her (or help her memorise) your contact details and/or those of a support agency such as Women's Aid

- ✓ Consider the need for immediate police involvement, protection and placement away from the family and arrange this if necessary; this includes any action to stop her from being removed from the UK

- ✓ Do everything you can to keep her safe

- ✓ Get immediate advice if you are not sure what to do

ONE CHANCE CHECKLIST

DO NOT:

- X** Send her away or let her leave without a safety plan and follow up arrangements
- X** Approach her friends/family or community unless she asks you to do so
- X** Approach community leaders for advice
- X** Share information with anyone without her express consent (unless there is a risk of immediate harm to her or any children or she lacks capacity to give consent or she is unable to give informed consent)
- X** Attempt to mediate with the family

NOTES:

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IMAGES AND INFORMATION BASED ON SCOTTISH GOVERNMENT GUIDANCE

USEFUL LINKS

RESPONDING TO FORCED MARRIAGE - MULTI-AGENCY PRACTICE GUIDELINES
SUMMARY GUIDELINES, SCOTTISH GOVERNMENT
www.scotland.gov.uk

SERVICE SPECIFIC GUIDANCE
is available within the above document
www.scotland.gov.uk/Publications/2011/12/22165750/7

FIFE CHILD PROTECTION MULTI-AGENCY GUIDANCE
www.fifedirect.org.uk

FIFE DOMESTIC AND SEXUAL ABUSE PARTNERSHIP WEB PAGES
www.fifedirect.org.uk

FIFE ADULT PROTECTION GUIDANCE
www.fifedirect.org.uk

ONE SCOTLAND – EQUALITY WEBSITE
www.onescotland.org/equality-themes/gender-equality/forced-marriage