

Young People & vulnerable adults facing forced marriage - Multi Agency Protocol.

1. Policy

1.1 The policy is based on “*Young people & vulnerable adults facing forced marriage: practice guidance for social workers*”, issued in March 2004 by the Foreign & Commonwealth Office, The Association of Directors of Social Services, The Home Office, the Department for Education and Skills and the Department of Health. It was compiled through consultation at local level and with relevant non-governmental organisations.

1.2 The policy recognises that the tradition of arranged marriages has successfully operated across many different classes, cultures, religions and communities for a very long period of time. An arranged marriage allows the young person or adult to choose whether or not they will accept the arrangements proposed by families of the both spouses. Freely given consent is a prerequisite of Christian, Jewish, Hindu, Muslim and Sikh marriages.

1.3 This policy therefore relates to marriages where one or both spouses do not consent to the marriage and some element of duress or coercion is involved. The elements of duress or coercion may be experienced through direct physical threat and/or actual physical abuse, through sexual assault or rape in the forced or non consensual consummation of the marriage and through the exertion of emotional pressure and ill treatment that leads to an avoidable deterioration in the young person or vulnerable adults emotional, psychological or mental wellbeing.

1.4 The policy recognises that forced marriage is primarily, but not exclusively, an issue of violence against women. Most cases involve young women and girls between 13 and 30 years, although some 15 per cent of cases involve male victims.

1.5 It is the aim of the policy to ensure as far as possible that all young people and vulnerable adults coming to the attention of the partner agencies and who are facing a forced marriage, will receive a service that will keep them safe, will protect their rights to choose whether they will consent to the arrangements being made for them and will support them while they make their choice on how to proceed. In the case of a young person under the age of 16 years, children’s social services will carry out a core assessment and where appropriate a child protection investigation to ensure that the young person has not been suffering abuse.

1.6 The Marriage Act 1949 and the Matrimonial Causes Act 1973 govern the law on marriage in England and Wales. The minimum age of consent under these acts is 16 years of age. Under the Matrimonial Causes Act 1973, section 12c, a marriage is not valid if the parties have not freely consented to it taking place or were under duress when the ceremony took place. Where a young person or vulnerable adult does not have the mental capacity to consent then this also constitutes a voidable reason and the marriage will be considered invalid.

1.7 In the perpetration of a forced marriage, other possible offences may include threatening behaviour, assault, kidnap, abduction, imprisonment and murder. Sexual intercourse without consent is rape, and where mental incapacity is an issue the young person may be unable to consent to the consummation of the marriage and this may constitute an offence under the Sexual Offences Act 2003.

1.8 Where it is believed that abuse has taken place and/or a criminal act has been carried out then the relevant police unit will be contacted for a strategy discussion to take place and a safeguarding plan will be put into place.

1.9 The guidance requires that a young person or vulnerable adult who is or may be a victim of a forced marriage be referred through the multi agency London Child or Adult Protection Procedures.

2. Procedure for young people

2.1 Forced marriage has many parallels with domestic violence and child abuse. For many young people, bringing their fears out into the open is a last resort, and has usually followed all attempts to resolve their situation within the family system. By turning to a teacher, doctor, nurse, social worker or police officer, the young person has usually reached a decision that they cannot manage the situation on their own and require a professional response to ensure their safety and welfare.

2.2 By taking such a course of action the young person will be aware of the consequences for themselves and their family within the community. In some cases this will be seen as bringing shame or dishonour to the family and may lead to social ostracism and harassment from the family and community. The needs of the victims of forced marriage will vary widely. Young people or vulnerable adults may be in need of safeguarding in cases where the risks to their physical safety are high. They may need help avoiding a threatened forced marriage or they may need help in dealing with the consequences of a marriage that has already taken place.

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

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

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

2.4 The role of social services

Social Services has a duty to investigate allegations of abuse and the Forced Marriage Guidance gives Social Services the lead responsibility in investigating allegations of forced marriage.

2.5 Social workers as part of their assessment of a young person, need to ensure that they have considered the possibility of forced marriage as a driver for the presenting difficulty or need. Social Services will give advice and guidance to the young person about their rights and the choices open to them and explain the process where a child protection investigation is to be carried out.

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

2.7 Where there is a disclosure or suspicion that a young person or vulnerable adult will be subjected to a forced marriage, or that a forced marriage has taken place a referral must be made to social services under the forced marriage protocol. Young people who are assessed as being at risk of harm or where abuse has taken place will be subject to a multi agency child protection process. Other young people will be subject to a core assessment as a child in need.

2.8 Social services and the relevant police unit will be responsible for responding to the referral and will carry out the investigation. Appropriate arrangements should be made to ensure that the young person's confidentiality and safety are secured in terms of location, which attending agencies should be invited and how records are secured. The Child Protection manager will chair the joint strategy meeting and will consider the following issues:

- The appropriate agencies to be invited to attend. These should include:

- The school or college
 - Homeless team or Placements
 - Referrer
 - Advocate or support organisation
 - Refuge
 - CPS
- Risk Assessment
 - Venue for ongoing work/interviews
 - Link to support systems
 - Confidentiality
 - Keeping records secure
 - Practical arrangements e.g. keys, money, passport, mobile phone
 - Safety advice
 - How to communicate safely
 - Education
 - A secure placement - not within the victim's own community
 - Plan for independence
 - Identify a key worker
 - Nationality, especially where dual nationality is an issue
 - Contact agencies in the country which the young person may be taken to or have been married in. (See appendix 2)

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

2.10 It is unlikely that social services will be able to meet all the needs of a young person facing a forced marriage and it is essential that a multi agency approach is used.

2.11 **The Police**

As joint partners the relevant police unit will have an immediate role in terms of the joint investigation to be carried out. They will assist in gathering information on the family and the young person and may have previous records relating to other siblings or family members that will enable the analysis of the risk assessment to be more effective. They will assist in the immediate protection of a young person through the exercise of Police Protection where appropriate.

Where a criminal offence has been alleged to have been carried out the police officer will pursue the criminal investigation and report back to the strategy meeting on the outcome of this. The police officer will participate in the discussions taking place around the safeguarding plan, however, the final decision on the care plan will be located with the responsible team manager.

2.12 Local Schools and Colleges

2.12.1 Most young people are in school or college and seen on a regular basis. Young people are most likely to disclose their concerns to a trusted adult and this may be the teacher, welfare officer or school nurse. A teacher may become concerned that a young person is experiencing difficulties at home and that the issue of forced marriage is present. The designated teacher in the school or college will be contacted by the concerned professional who will then exercise the responsibility of making a referral to social services.

2.12.2 The designated teacher will participate in the strategy meetings and provide any relevant information required to complete the risk assessment. The school will identify learning needs and assist in the care planning around educational needs. The designated teacher will ensure that any records of the assessment are secured and that no information is given out to the family or community.

2.13 Local S Support/Counselling Services/Non-Governmental Organisations (NGOs)

2.13.1 Community based organisations, namely women's groups, advocacy services, youth and children's groups have a wealth of expertise and knowledge. These services are widely seen by young people as non-judgemental and understanding, and are often more accessible due to reasons of gender, language or culture. These organisations can offer victims and survivors long term support, counselling and care. Care should be taken that any agency involved in the investigation and protection of a young person or vulnerable adult has a proven track record of working with women or young people and acting in their best interests.

2.13.2 Partnerships will be established with these agencies to provide immediate support, advice, expertise to social workers and counselling services to young people and vulnerable adults who are facing forced marriage. A designated advocate or support worker will attend the strategy meeting and take part in the risk assessment process.

2.13.3 The designated advocate or support worker will then work alongside the young person and social worker in compiling a care or safeguarding plan that meets the young person's needs. The Agencies will also work alongside social services in updating local, national and international information on services and agencies that are available to young people in this situation.

2.14 The Foreign or Commonwealth Office

Will offer advice and assistance to young people and vulnerable adults who fear

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

2.15 The community liaison unit is part of the F CO and as well as providing services to young people will also assist social services as follows

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

They are open Monday-Friday 09.00 – 17.00 on 020 7008 8706/0203/0135.

Out of hours emergency the FCO Response centre can be reached on 020 7008 1500

2.16 Strategic Health Authorities, Primary Care trusts and NHS Mental Health Trusts.

2.16.1 Young people and vulnerable adults may come to the attention of health professionals through a variety of settings. These may include school nursing, health visitors, GPs teenage pregnancy units and midwives. All health professionals dealing with cases of underage sexual activity, domestic violence or distressed and self harming young people should be sensitive to the issue of forced marriage.

2.16.2 Each service will have in place designated child protection and adult protection professionals who will be contacted to take forward concerns or disclosures of forced marriage.

2.16.3 The designated nurse or doctor will attend the strategy meeting following a referral and will participate in the risk assessment process. Where necessary they will arrange any medical or treatment needed for the young person and report back to the strategy meeting any relevant information.

2.16.4 The designated nurse or doctor will participate in the care or safeguarding planning and where appropriate refer the young person on to the medical services in the area where they are placed.

2.17 Housing Department and Benefits Agency

2.17.1 As part of the joint investigation housing may have useful information on the family that will assist in the risk assessment and care or safeguarding planning. Where a young person is of age they will be able to assist in providing suitable accommodation and ensure that the young person has priority in the housing system under the Homelessness (Priority Need for Accommodation – England) Order 2002.

2.17.2 Where appropriate an officer will attend the strategy meeting to contribute to the risk assessment process and advise on the housing situation. Where necessary they will refer the young person to a safe area for housing. They will also ensure that all records of the placement are kept secure and are not made available to the family or community.

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

3. Procedure for Vulnerable Adults

3.1 Referrals Information or a referral about forced marriage may be received from the vulnerable adult, friend, relative, or from another agency. Forced marriage may also become apparent when other family issues are addressed.

3.2 First steps

Inform your manager

- Refer to the Adult Protection policy and procedures
- Refer to Social Services and/or Police

- See the vulnerable adult immediately in a secure and private place – see section 6, *Best practice*, 6.1
- See the vulnerable adult on their own
- Explain all the options to the vulnerable adult, and recognise and respect their wishes. The vulnerable adult may not want social services to intervene.
- Consider and discuss with the vulnerable adult the risks and their safety – consider the need for immediate protection and placement away from the family

- Reassure the vulnerable adult of social services confidentiality – see section 6, *Best practice*, 6.3
- Contact as soon as possible, the trained/specialist social worker
- Refer to the appropriate service within social services
- Refer to the police (the Community Safety Unit) if there is any suspicion that a crime has been, or may be, committed. Inform the police even if the vulnerable adult does not want any action taken. A joint investigation could be helpful.
- Liaise with the police (CSU) and if appropriate, social services' children's services if there are any concerns about the safety of others in the family including children
- Activate Brent's multi-agency policy and procedures for the protection of vulnerable adults, initiating the Strategy Meeting
NB: Ensure the vulnerable adult is invited to the Strategy Meeting, and involved in the discussion together with the police and other relevant professionals
- Detail in the plan which agency is taking what action
- Obtain as much information as possible about the vulnerable adult when the case is first reported, and in addition to information required on the adult protection referral form, where possible:
 - Nationality
 - Passport details
 - Employment details
 - List from the vulnerable adult of all those friends and family who can be trusted
 - 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 eg involvement by police, doctors or other health services
 - Record any details about any threats or hostile actions against the vulnerable adult, whether reported by the victim or a third party
 - Obtain a recent photograph and other identifying documents. Document any other distinguishing features such as birth marks and tattoos etc
 - Establish the nature and level of risk to the safety of the vulnerable adult eg are they pregnant, have a secret boy/girl friend, are they self-harming, already secretly married
 - Establish if there are other family members at risk of forced marriage or if there is a family history of forced marriage and abuse
 - Check social services' records for past referrals of family members including siblings

3.3 What not to do

- Do not - treat such allegations merely as a domestic issue
- Do not - ignore what the vulnerable adult has told you or dismiss out of hand the need for immediate protection
- Do not - approach the vulnerable adult's family, friends or those with influence within the community, without the express consent of the vulnerable adult, as this will alert them to your enquiries. They may deny that the vulnerable adult is being forced to marry, move him/her, expedite any travel arrangements and bring forward the forced marriage.
- Do not – contact the family in advance of any enquiries, either by telephone or letter
- Do not – share information outside *Protection of Vulnerable Adults in Brent* information-sharing protocols without the express consent of the vulnerable adult
- Do not – breach confidentiality except where necessary in order to ensure the safety of the vulnerable adult
- Do not – attempt to be a mediator. Mediation can be extremely dangerous, and unwittingly place the vulnerable adult in danger

3.4 Additional steps

- Consider using an advocate to support the vulnerable adult
- Information from case files and database files should be kept strictly confidential and preferably be restricted to named members of staff only
- Where possible, give the vulnerable adult the choice of the race and gender of the social worker who deals with their case
- Inform the vulnerable adult of their right to seek legal advice and representation
- Liaise with the Council's legal department
- Assess the risk of harm facing the vulnerable adult and staff member – and give them personal safety advice – see *Section 6, Best practice, 6.4*
- Record any injuries and arrange a medical examination. Keep detailed documentation of any injuries or history of abuse, as the police may require this for any subsequent prosecution.
NB: It may not be advisable to call or visit a medical practitioner from the local community as this may threaten the security of the vulnerable adult. Also consider using an advocate to support the vulnerable adult, particularly if they do not have capacity to consent to a medical examination.
- Give the vulnerable adult advice on what service they should expect and from whom
- Maintain a full record of decisions made and the reason for those decisions
- Ensure the vulnerable adult has the contact details for their social worker and manager
- Establish arrangements for future contact/meetings – see *Section 6, Best practice, 6.2*

3.5 **Further guidance**

- Try to refer the vulnerable adult, with their consent, to appropriate local and national support groups and counselling services
- Encourage the vulnerable adult to access an appropriate, trustworthy advocacy service that can act on their behalf