

North Lanarkshire

**Forced Marriage and “Honour”
Based Violence Multiagency
Guidance**

Produced by:
North Lanarkshire Violence Against Strategic Group
Child Protection Committee
Adult Protection Committee

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**North Lanarkshire
Adult Protection
Committee**



**NORTH
LANARKSHIRE**

**VIOLENCE
AGAINST
WOMEN**

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Introduction

The following document is practice guidance for referring agencies and frontline practitioners who have a responsibility for keeping adults or children who are at risk of being forced into marriage or are at risk of “Honour” Based Violence (HBV) safe. It sets out how cases of forced marriage or HBV should be responded to using existing frameworks for protecting children, adults at risk and victims of abuse.

As forced marriage and HBV are forms of child and adult abuse, they should form part of existing multi-agency approach to child and adult protection processes, policies and procedures.

Background

From 30th September 2014, forcing someone into marriage became a criminal offence in Scotland under section 22 of the [Antisocial Behaviour Crime and Policing Act 2014](#). Forced marriage became a criminal offence in England and Wales on 16 June 2014, under the same Act. Click here to go to the 2014 Act A Forced Marriage Protection Order (under the Forced Marriage etc. (Protection and Jurisdiction (Scotland) Act 2011) can be applied for to protect people who are threatened with or already in a forced marriage. The [Forced Marriage etc \(Protection and Jurisdiction\) \(Scotland\) Act 2011](#) also applies to civil partnerships. A case example of a Forced Marriage Protection Order being granted in Scotland can be found [here](#).

The Scottish Government had published [statutory guidance](#) on Forced Marriage for relevant persons and bodies as well as [Multi-Agency Practitioner Guidance](#).

The Scottish Government multi-agency practice guidelines contain full and comprehensive information on the social and cultural context of forced marriage, as well as particular considerations for practice. This North Lanarkshire guidance references the Scottish Government document throughout and practitioners should refer to this when required.

For links to a wider range of related legislation and guidance documents available to support and protect children and adults at risk see [Appendix 1](#).

Standards

“A Choice by Right”, published in 2000 following an investigation into the scale and extent of forced marriage across the UK, concluded that there were eight guiding principles that should be adopted by all agencies dealing with forced marriage. These were:

- Commitment
- Safety and protection
- Sensitivity
- Involving communities
- Multi-agency working
- Monitoring
- Training
- Promoting awareness of rights and services

Definitions

Honour Based Violence (HBV, Honour Crime or Izzat)

Honour Based Violence (HBV) embraces a variety of crimes of violence (mainly but not exclusively against women), including physical abuse, sexual violence, abduction, forced marriage, imprisonment and murder where the person is being punished by their family or their community. They are punished for actual or allegedly, 'undermining' what the family or community believes is the correct code of behaviour. These crimes may be considered by the perpetrator(s) as justified to protect or restore the "honour" of a family.

Forced marriage is regarded as a form of "Honour" Based Violence, as violence against women / gender based violence and, when children are involved, child abuse. It is associated with other forms of domestic abuse and "honour" based violence. Although some victims may be under 18 years old, many are older and on occasions victims may have mental health or physical disabilities. There is no "typical" victim of forced marriage.

Forced marriage

The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 defines a forced marriage as a marriage conducted without the full and free consent of both parties, and where "force" is a factor. It is important to note that in the case of children and young people under 18, and some adults, full and free consent cannot be given. Force can be coercion by physical, verbal or psychological means, threatening conduct, harassment or other means. It is also force to knowingly take advantage of a person's incapacity to consent to marriage, or to understand the nature of marriage.

The Scottish Government defines forced marriage in the Forced Marriage Statutory Guidance (update 2014) as follows:

A forced marriage is a marriage in which 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 to knowingly take advantage of a person's incapacity to consent to marriage or to understand the nature of the marriage. Duress may be from parents, other family members and the wider community.

The Scottish Government recognise forced marriage to be a form of violence against women/gender-based violence and, where children are victims of forced marriage, child abuse. It may be associated with other forms of domestic abuse and "honour based" abuse. Forced marriage can impact both men and women, however most cases typically involve younger women and girls between the ages of 15 and under and 30. There are patterns of victimisation which are vital to be aware of, however, it is likely that every individual case will be different. Some cases may take place solely in the UK, while others involve a prospective partner coming from overseas or a person being sent abroad.

Some key motives that have been identified are:

- Controlling sexuality, sexual orientation, or gender identity (including perceived promiscuity and perceived sexual orientation/gender identity) – particularly the behaviour and sexuality of women.
- Controlling unwanted behaviour such as alcohol and drug use; socialising unchaperoned with, or simply speaking to, members of the opposite sex who are not family members; wearing makeup; or behaving in what is perceived to be a "westernised manner."
- Preventing "unsuitable" relationships e.g. outside the ethnic, cultural, religious or caste group.

- Protecting “family honour” or “izzat”.
- Responding to peer group or family pressure about conforming to expectations.
- Attempting to strengthen family links.
- Financial gain or obtaining financial security for a person with a learning disability
- Ensuring land, property and wealth remain within the family.
- Protecting perceived cultural ideals
- Protecting perceived religious ideals.
- Ensuring care for someone with learning/physical disability when parents or existing carers are unable to fulfil that role, or because of mistrust of external social care.
- Concerns that younger siblings may be seen as undesirable if older sons and daughters are not already married.
- Assisting claims for UK residence and citizenship.
- Obtaining physical assistance or personal care for ageing parents.

Legal consequences of a breach of a Forced Marriage Protection Order

Whilst The [Forced Marriage etc \(Protection and Jurisdiction\) \(Scotland\) Act 2011](#) provides that a civil order may be made in the form of a forced marriage protection order (FMPO), it is a criminal offence to breach such an order.

The order may, amongst other things, restrict or require certain actions or prohibit certain actions in relation to the protected person. This could include, for example, a prohibition on threatening or violent conduct towards the protected person or any other person, or a requirement to take the protected person to a place of safety or to submit documents such as passports to the court.

An offence is committed if a person knowingly and without reasonable excuse breaches a Forced Marriage Protection Order or an ‘interim’ Forced Marriage Protection Order.

If convicted of such an offence at summary level a sentence of up to 12 months imprisonment can be imposed. If convicted on Indictment a sentence of up to 2 years imprisonment can be imposed.

Arranged marriage

An arranged marriage is one in which the families of both spouses take a leading role in arranging the marriage but the choice whether or not to accept the arrangement remains with the prospective spouses.

Child Abuse

For the purposes of these procedures, the protection of children and young people including unborn babies, children and young people under the age of 18 yrs.

[The National Guidance for Child Protection in Scotland 2021 \(Updated 2023\)](#) defines child abuse and child neglect as forms of maltreatment of a child. Somebody may abuse or neglect a child by inflicting, or by failing to act to prevent, significant harm to the child. Children may be maltreated at home; within a family or peer network; in care placements; institutions or community settings; and in the online and digital environment.

Assessments will need to consider whether abuse has occurred or is likely to occur.

The guidance provides definitions for the following ways in which abuse may be experienced by a child but this is not exhaustive, as the individual circumstances of abuse will vary from child to child.

- Physical Abuse
- Emotional Abuse
- Sexual Abuse
- Neglect
- Online Harm
- Domestic Abuse
- Child sexual or criminal exploitation
- Female genital mutilation
- Forced marriage is also considered a form of child abuse.

Adult Protection

[The Adult Support & Protection \(Scotland\) Act 2007](#) defines “adult at risk” as adults who is aged 16 years or over and meet the following three criteria:

- Unable to safeguard their own wellbeing, property, rights or other interests;
- At risk of harm; and
- Because they are affected by disability, mental disorder, illness or physical infirmity, a re more vulnerable to being harmed than adults who are not so effected.

There are existing multi agency policies and procedures to protect adults at risk of harm. These have been developed at a local level and are adopted by all public bodies including NHS, Police, North Lanarkshire Council and other agencies.

See [Appendix 2](#) for further information on definitions.

Local Authority & Multi Agency Responsibilities

Given the nature of forced marriage, no single agency can meet all the needs of someone affected. These practice guidelines aim to encourage practitioners to work together safely to protect victims. This approach is also consistent with the Scottish Government’s emphasis on a multi-agency response to tackling domestic abuse and responding to children and adults at risk of harm.

If a child or young person up to 18 years old is thought to be at risk of Forced Marriage or “Honour” Based Violence, child protection procedures should be initiated. Forced marriage is both a child protection and an adult protection matter. Whilst adult protection processes apply from when an individual turns 16, 16/17-year-olds at risk usually benefit from being considered within child protection rather than adult protection processes. The decision on whether employing child or adult protection procedures is most appropriate to protect a 16- or 17-year-old is a matter of professional judgement, following consideration of all of the relevant circumstances.

It is important that any victim, whatever their age or circumstances, who is in or at risk of a forced marriage or “honour” based violence, is supported through effective multi agency working. All agencies have a responsibility to identify and respond effectively to these concerns. This should initially be progressed through child and adult protection procedures.

Presentation and Warning Signs

There can be a number of warning signs that an individual may be facing forced marriage or is at risk of forced marriage. The individual may appear anxious, depressed and emotionally withdrawn. They may experience domestic abuse, self harm, run away from home, which makes them more vulnerable to further exploitation.

A referral may initially be reported as domestic abuse, self harm, run away child or exploitation. Individuals forced into marriage, or at risk of being forced into marriage or HBV, may feel unable to leave due to a lack of family/external support, economic pressures and other social circumstances such as insecure immigration status. In some cases, adults may fear having their own children taken away from them. In relation to forced marriage it is important to highlight that action can be taken in two time frames: before and after a forced marriage has taken place. As well as preventing forced marriage, the legislation also enables a forced marriage to be declared null and void.

People at risk of forced marriage or HBV take a big step if and when they come forward, as there is so much at stake. **Your role** is to explain options clearly, help the victim to plan for safety and reassure them that they can come back to you at any time. Your approach must be victim-centered. This means taking any disclosures seriously. For many victims, seeking outside help is a last resort (see [Appendix 4](#)). Be aware of the danger of involving family and the community as this may increase the risk of serious harm to the person. You should not visit or contact the family to discuss the allegation or use relatives, family or community leaders as interpreters regardless of reassurances. Contact should not be made with any embassy or high commission representing the victim's country of origin without their consent.

[Appendix 3](#) highlights additional factors that indicate that someone may be facing forced marriage, however, it is important to remember that some of the warning signs in the diagram may indicate other types of abuse including other forms of "honour"-based violence that require a multi-agency response.

Responding to concerns of Forced Marriage or HBV.

All agencies that may suspect or come into contact with victims of forced marriage and "honour"-based violence need to be aware of the "one chance" rule. That is, you may only have one chance to speak to a potential victim and therefore may only have one chance to save a life. This means that all practitioners working within statutory agencies need to be aware of their responsibilities and obligations when they come across forced marriage and HBV cases. If the victim is allowed to walk out of the door without support being offered, that one chance might be lost.

- If the young person is under 18 years old, contact Police or Social Work making it clear you have child protection concerns. This should be reported as soon as possible, there should not be a delay in sharing your concerns
- If the person is over the age of 18, make an adult support and protection referral as soon as possible, there should not be a delay in sharing your concerns
- See the person immediately in a secure and safe place
- See the person on their own even if they are accompanied by others
- Where possible offer the person the choice of ethnicity and sex of the person working with them
- Gather details of name, address, nationality, contact details, details of allegation
- Explain options, consider risk, safety plans, confidentiality and respect their views

[Appendix 4](#) provides further advice on how to respond to concerns

Referral process for partner agencies.

Child or a young person:

If you have a concern about forced marriage, please contact Police Scotland and/or your local social work office, ([Appendix 5](#)) and ask to speak to a duty worker for children & families or community care.

Child protection processes should be initiated for any child up to the age of 18. If a child or young person under the age of 18 is thought to be at risk of forced marriage, **immediate** child protection referral to police and/ or social work should be considered.

If your concern relates to a child, you should make it clear you are making a Notification of Child Protection Concerns (NOCP) and follow this up with the written NOCP paperwork. An Inter-agency Referral Discussion will be convened to determine what measures need to be taken, including any immediate safety measures to ensure the child is safe. As a multi-agency approach is the most effective way to deliver support you may be asked to attend a Child Protection Planning Meeting, contribute to assessments and planning and be part of any ongoing protection plan.

Person over the age of 18:

If your concern relates to an adult, you should submit an adult support and protection referral (AP1) – this can be accessed by contacting your local social work team – [Appendix 5](#).

A multi-agency approach is the most effective way to deliver support you may be asked to attend a planning meeting and/or a case conference, contribute to risk assessments and planning and be part of any ongoing protection plan.

Contact details will be provided by social work on who to contact should you have further information or concerns.

Referral, Initial Enquiry and Assessment Process for Social Work

Child or a young person:

If the person is aged 16 or 17 years old, child protection procedures and guidance may be more appropriate to follow. However, there should be a joint discussion between adult and children's social work teams.

Adult:

If the individual is above the age of 18, they should be referred to adult protection (AP1 referral), and action should be taken in line with adult support and protection procedures.

The person raising an adult support and protection referral regarding forced marriage will do so as they know or believe that the person is an adult at risk as defined under the [Adult Support and Protection \(Scotland\) Act 2007](#).

Where an AP1 referral is received in relation to forced marriage, an adult protection planning meeting and/or case conference should be convened and chaired by the Senior Social worker/Locality Social Work Manager.

To ensure appropriate representation and expertise it is recommended that the following agencies should be invited to the planning meeting/case conference. Please note that this is not an exhaustive list and attendance should be appropriate to the needs of the adult:

- Adult Social Work

- Any other social work department as appropriate
- Gender Based Violence Service NHS Lanarkshire
- Police Scotland – link with Police Concern Hub for most appropriate division to attend
- NHS Lanarkshire – team depending on the need of the adult
- Consideration of involving Primary Care
- NLC Legal

In addition to following the North Lanarkshire ASP procedures, this may include:

- Assurance that all information is collected ([Appendix 6](#) provides a useful checklist)
- The wishes of the individual
- Any immediate (and if required) long-term safety plan with the individual ([Appendix 7](#))
- Informing the person of options and discuss possible consequences of the options available

If an adult does not want to leave home the worker and their manager should consider:

- Safety plan (see [Appendix 7](#))
- Agreement for future contacts
- Contact/support from private/voluntary services with specialist experience, (See resource list at [Appendix 8](#))

The team manager/senior social worker/locality social work manager should:

- Recommend if the case needs to be reallocated to another social worker/council officer, taking into account cultural and religious beliefs
- Determine if there is further information that needs to be collected
- Discuss contacting police and other agencies. (See [Responding to Forced Marriage: Multiagency Practice Guidelines](#) p.51 for information about information sharing and confidentiality)
- Consider the potential benefits of a Forced Marriage Protection Order (information on this process is outlined in [Appendix 9](#))
- Decide on the interpreter service to be used, if needed and which organisation is most appropriate: see [Good practice guidance on interpreting for women who have experienced Gender Based Violence](#)
- Discuss course of action with Locality Social Work Manager (as applicable)
- Decide whether there should be restricted access to the individual's file and, if so, discuss further with the LSWM. (Restricted access can be necessary in some cases as family members and/or community members may go to extreme lengths to get access to information.) If file is placed on restricted access, identify who will need access to this information.
- Ensure all information should be recorded on appropriate electronic systems.

If the person meets the criteria for ongoing protective action under adult support and protection or childcare legislation such as child protection order or referral to the Scottish Reporter's Administration, consider the best use of this legislation.

Taking immediate action

The worker who suspect or is notified of concerns regarding forced marriage must speak to their team manager, or

in their absence the duty team manager, as a matter of urgency. Child protection or adult protection options must be followed and the Locality Social Work Manager and Adult or Child Protection Senior Officer should be alerted.

Ideally, the worker or their manager should discuss cases of forced marriage or risk of HBV with and seek advice from, specialist agencies, as well as involve them in developing the person's support or protection plan.

There may be occasions however when immediate emergency action is necessary to protect a child, young person or adult from being forced to marry or abducted or to prevent or respond to HBV e.g. child protection order, police protection; or legal measures for the emergency protection of adults. In this case, a planning meeting or inter-agency referral discussion (IRD) should take place as soon as possible after the immediate protection action is implemented.

It should be noted that the point at which the family becomes aware of intervention (i.e. when immediate protection measures are instigated) is a point of increased risk for the victim and any siblings. The emphasis should be on swift but comprehensive planning of intervention in order to not inadvertently alert the family / community to the fact that concerns have been identified and protective steps are being taken. There should also be emphasis on the fact that, similar to domestic abuse, separation from perpetrators does not guarantee safety.

The potential benefits of a Forced Marriage Protection Order should be considered (information on this process is outlined in [Appendix 9](#)).

It is important that all workers:

- Recognise the importance and relevance of immediate protection.
- Recognise the risk to other siblings in the household who might also be threatened with, or already in, a forced marriage or who may be at risk of HBV.
- Understand that in almost no circumstances will it be sufficient to protect the 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).
- Recognise that placing the 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.
- Understand that if a Forced Marriage Protection Order is in place and is **breached**, the police should be informed as soon as possible.

Involving the Forced Marriage Unit

The Forced Marriage Unit (FMU) is a joint Foreign, Commonwealth and Development Office (FCDO) and Home Office unit which leads on the government's forced marriage policy, outreach and casework. It operates both inside the UK (where support is provided to any individual) and overseas (where consular assistance is provided to British nationals, including dual nationals).

The FMU operates a public helpline to provide advice and support to:

- victims and potential victims of forced marriage
- professionals dealing with cases

The FMU public helpline can help with:

- safety advice
- providing assistance when an unwanted spouse is due to move to the UK ('reluctant sponsor' cases)
- where possible, assistance in repatriation of victims held against their will overseas

Ongoing Support

Regardless of whether a Forced Marriage Protection Order or other legal measures are pursued consideration should be given to:-

The need for further **assessment and** planning to ensure appropriate support and safety planning until the risk has decreased. A core group of **multi-agency partners** should be established to review the support plan on a monthly basis. This would be chaired by a team manager.

Involving a specialist support service as part of the support plan and including them in core group meetings (eg GBV Services NHS Lanarkshire, Shakti Women's Aid, Hemat Gryffe Women's Aid, Amina, Aura, a local Women's Aid group). **Please see contact details on [Appendix 8](#).**

Appendix 1 - Links to Legislation and Guidance

[Forced Marriage etc. \(Protection and Jurisdiction\) \(Scotland\) Act 2011](#)

[Anti-social Behaviour, Crime and Policing Act 2014](#)

[Adult Support and Protection \(Scotland\) Act 2007](#)

[Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#)

[Adults with Incapacity \(Scotland\) Act 2000](#)

[Sexual Offences \(Scotland\) Act 2009](#)

[Domestic Abuse \(Scotland\) Act 2011](#)

[Domestic Abuse \(Scotland\) Act 2018](#)

[Prohibition of Female Genital Mutilation \(Scotland\) Act 2005](#)

[Protection from Abuse \(Scotland\) Act 2001](#)

[Criminal Justice \(Scotland\) Act 2003](#)

[Protection of Children and Prevention of Sexual Offences \(Scotland\) Act 2005](#)

[Children and Young People \(Scotland\) Act 2014](#)

[COPFS Forced marriage - joint guidance with Police Scotland](#)

International law principles

“Marriage shall be entered into only with the free and full consent of the intending spouses.”
[Universal Declaration of Human Rights, Article 16\(2\)](#)

“No marriage shall be legally entered into without the full and free consent of both parties.”
[UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages, Article 1](#)

Guidance and Research

Forced Marriage Statutory Guidance (2024)	Forced Marriage and Learning Disabilities: Multi-Agency Practice Guidelines
Responding to Forced Marriage: Multiagency Practice Guidelines	Harmful Traditional Practices- what health workers need to know
National Guidance for Child Protection in Scotland 2021	Learning Disabilities and Gender-based Violence – a Literature Review
Forced Marriage: A Wrong not a Right	

Appendix 2 - Definitions

Gender-based violence

The Equally Safe Strategy sets out a shared understanding of violence against women and girls which is based on the United Nations Declaration on the Elimination of Violence Against Women (1993). This says 'Gender based violence is a function of gender inequality, and an abuse of male power and privilege. It takes the form of actions that result in physical, sexual and psychological harm or suffering to women and children, or affront to their human dignity, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life. It is men who predominately carry out such violence, and women who are predominately the victims of such violence. By referring to violence as "gender based" this definition highlights the need to understand violence within the context of women's and girl's subordinate status in society. Therefore, such violence cannot be understood in isolation from the norms, social structure and gender roles within the community, which greatly influence women's vulnerability to violence.'

Domestic abuse

The National Strategy to Address Domestic Abuse in Scotland (2000) states: Domestic Abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends). The Domestic Abuse (Scotland) Act (2018) legislates for any person who is considered to have committed an offence of Domestic Abuse.

Victim

The term 'victim' is used throughout this document for the sake of simplicity to refer to people who are, or have been, or are at risk of being forced into marriage against their will. This term is not used to connote weakness or inferiority.

Perpetrator

The term 'perpetrator' is used to refer to the people who are forcing someone to marry. This may include the spouse or prospective spouse, close and extended family members and members of the wider community.

Relevant third party (RTP)

Under the Forced Marriage etc. (Protection and Jurisdiction)(Scotland) Act 2011, a relevant third party can apply for a Forced Marriage Protection Order without the permission of the court. RTPs are specified as a local authority, the Lord Advocate and others specified by Scottish Ministers. Any other third party can apply for a FMPO but they need the court's permission to do so.
Child, children and young people

The protection of children and young people includes unborn babies, and children and young people under the age of 18 years. UNCRC rights apply to anyone under the age of 18. The UNCRC (Incorporation)(Scotland) Act 2024, which seeks to incorporate the UNCRC into Scots law, defines child as "every human below the age of eighteen years". The Act incorporates the UNCRC within domestic law as far as possible within the legislative competence of the Scottish Parliament.

It is essential that Child Protection Committees and Adult Protection Committees work together to best protect children and young people at key transition periods, for example, transition from children's to adult's services. The independent legal status of a child commences at birth. In any action to safeguard and protect an unborn child, the needs and rights of the mother must be taken

into account. The needs, rights and mutual significance of siblings will be considered in any process that has a focus on a single child. While child protection procedures may be considered for any person up to the age of 18, the legal boundaries of childhood and adulthood can be differently defined in different legal contexts. For more detail, see the National Child Protection Guidance (updated 2021), in particular paragraphs 1.7 to 1.22.

Adult

A person aged 16 or over, or a person aged 18 or over, depending on the legal context (see also below the definition of child, children and young people).

Adult at risk

The Adult Support and Protection (Scotland) Act 2007 defines adults at risk as individuals aged 16 or over who:

- Are unable to safeguard their own well-being, property, rights or other interests; and
- Are at risk of harm; and
- Because they are affected by disability, mental disorder, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

Child abuse definitions:

Physical abuse

Physical abuse is the causing of physical harm to a child or young person. Physical abuse may involve hitting, shaking, throwing, poisoning, burning or scalding, drowning or suffocating. Physical harm may also be caused when a parent or carer feigns the symptoms of, or deliberately causes, ill health to a child they are looking after.

There may be some variation in family, community, or cultural attitudes to parenting, for example, in relation to reasonable discipline. Cultural sensitivity must not deflect practitioners from a focus on a child's essential needs for care and protection from harm, or a focus on the need of a family for support to reduce stress and associated risk.

Emotional abuse

Emotional abuse is persistent emotional neglect or ill treatment that has severe and persistent adverse effects on a child's emotional development. It may involve conveying to a child that they are worthless or unloved, inadequate or valued only insofar as they meet the needs of another person. It may involve the imposition of age- or developmentally-inappropriate expectations on a child. It may involve causing children to feel frightened or in danger, or seeing or hearing the abuse of another person. Some level of emotional abuse is present in all types of ill treatment of a child; it can also occur independently of other forms of abuse.

Child Sexual abuse

Sexual abuse is any act that involves the child in any activity for the sexual gratification of another person, whether or not it is claimed that the child either consented or assented. Sexual abuse involves forcing or enticing a child to take part in sexual activities, whether or not the child is aware of what is happening. The activities may involve physical contact, including penetrative or non-penetrative acts. They may include non-contact activities, such as involving children in looking at, or in the production of, pornographic material or in watching sexual activities, using sexual language towards a child or encouraging children to behave in sexually inappropriate ways.

For those who may be victims of sexual offences aged 16-17, child protection procedures should be considered. These procedures must be applied when there is concern about the sexual exploitation

or trafficking of a child.

Neglect

Neglect consists in persistent failure to meet a child's basic physical and/or psychological needs, which is likely to result in the serious impairment of the child's health or development. There can also be single instances of neglectful behaviour that cause significant harm. Neglect can arise in the context of systemic stresses such as poverty and is an indicator of both support and protection needs. Persistent' means there is a pattern which may be continuous or intermittent which has caused or is likely to cause significant harm. However, single instances of neglectful behaviour by a person in a position of responsibility can be significantly harmful. Early signs of neglect indicate the need for support to prevent harm. The GIRFEC set out the essential wellbeing needs of all children. Neglect of any or all of these can impact on healthy development. Once a child is born, neglect may involve a parent or carer failing to provide adequate food, clothing and shelter (including exclusion from home or abandonment); to protect a child from physical and emotional harm or danger; to ensure adequate supervision (including the use of inadequate caregivers); to seek consistent access to appropriate medical care or treatment; to ensure the child receives education; or to respond to a child's essential emotional needs.

Child Sexual Exploitation (CSE)

CSE is a form of child sexual abuse. It occurs where an individual or group takes advantage of an imbalance of power to coerce, manipulate or deceive a person under 18 into sexual activity in exchange for something the victim needs or wants, and/or for the financial advantage or increased status of the perpetrator or facilitator. The victim may have been sexually exploited even if the sexual activity appears consensual.

Child sexual exploitation does not always involve physical contact. It can also occur through the use of technology. Children who are trafficked across borders or within the UK may be at particular risk of sexual abuse.

Child Criminal Exploitation (CCE)

CCE refers to the action of an individual or group using an imbalance of power to coerce, control, manipulate or deceive a child or young person under the age of 18 into any criminal activity in exchange for something the victim needs or wants, or for the financial or other advantage of the perpetrator or facilitator. Violence or the threat of violence may feature. The victim may have been criminally exploited, even if the activity appears consensual.

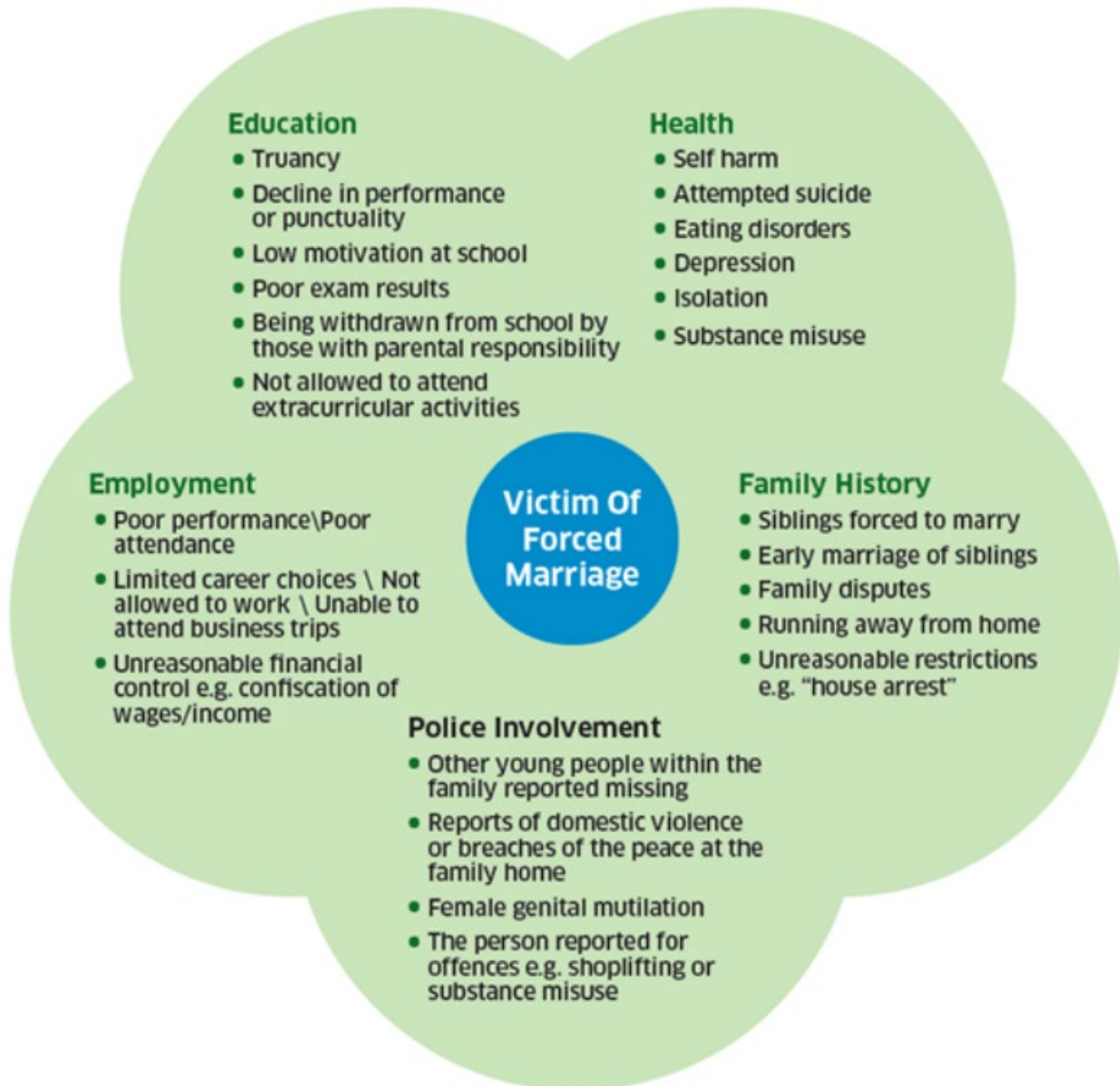
Child criminal exploitation may involve physical contact and may also occur through the use of technology. It may involve gangs and organised criminal networks. Sale of illegal drugs may be a feature. Children and vulnerable adults may be exploited to move and store drugs and money. Coercion, intimidation, violence (including sexual violence) and weapons may be involved.

Human Trafficking

The offence of human trafficking is defined in Section 1 of the Human Trafficking & Exploitation (Scotland) Act 2015 as the recruitment, transportation or transfer, harbouring or receiving or exchange or transfer of control of another person for the purposes of exploiting them.

Trafficking victims do not have to cross international boundaries. They can be moved from one place to another in Scotland or the UK for exploitation.

Appendix 3 - Warning Signs



Appendix 4 - Practice Guidance

- See them immediately in a secure and private place where the conversation cannot be overheard.
- See them on their own – even if they attend with others.
- Give them, where possible, the choice of the ethnicity and gender of the worker who deals with their case.
- Explain all the options to them eg. referral to social work, contact police, other places of safety – woman’s aid.
- Recognise and respect their wishes.
- Consider the risk should they return home
- If the young person is under 18 years of age, refer to child protection.
- If the person is over the age of 18, make an adult support and protection referral.
- Reassure them about confidentiality i.e. practitioners will not inform their family.
- Establish a way of contacting them discreetly in the future (see section 2.4 Multi agency guidance)
- Obtain details of their name, address, contact details.
- Consider the need for immediate protection and placement away from the family.
- Maintain a full record of the decisions made and the reason for those decisions.
- Information from case files and database files should be kept strictly confidential and preferably be restricted to named members of staff only.
- If necessary, record any injuries and arrange a medical examination.
- Discuss how they may be able to keep safe
- Identify any potential criminal offences, which could range from theft of a passport to plagiarism or abduction and from assault to rape and to murder, and refer to the police if appropriate.
- Develop a safety plan in case they are seen i.e. prepare another reason why you are meeting.
- Advise them not to travel overseas, for example on holiday or to visit someone who is ill. Discuss the difficulties they may face.
- Give them advice on what service or support they should expect and from whom.
- Ensure that they have the contact details for specialist help and if needed, provide support for making initial contact with specialist agency – social work, police, forced marriage unit, AMINA Muslim Women’s Resource Centre, Hemat Gryffe Women’s Aid.
- Refer them, with their consent, to appropriate local and national support groups, counselling services and women’s groups that have a history of working with survivors of domestic abuse as well as forced marriage.

Concern re Forced Marriage or HBV

Respond to any immediate needs eg ensure emergency medical treatment or call the police emergency number if threats are being made / the person is in imminent danger where an individual is being threatened or where you believe a crime has been committed call the police emergency number 999

See person on their own or with a colleague in a secure safe space and gather basic details (name, address, nature of the allegation or concern etc)

Discuss with line manager unless to do so would cause delay, putting person at increased risk

Person is a Child

Make a Notification of Child Protection Concerns (NOCP)
Phone the Police or locality social work team and speak to the duty worker for Children and Families.
Give as much information as you have, being clear that you wish to make a Notification of Child Protection Concerns. Highlight any immediate risk to safety.



Follow advice given by Social Work Children and Families, calling police if you become concerned for the safety of the child.



Record your concerns and action taken.



Follow up telephone discussion with written NOCP using standard template.

Person is an Adult

Because you know or believe that an adult is an adult at risk of harm make an adult support protection referral (AP1) highlighting your concern.

Phone locality social work team and speak to the duty worker for Adult Services. Give as much information as you have, being clear that you wish to make an adult protection referral. This will involve completing an 'AP1' form.



Follow advice given by Social Work Adult Services, calling police if you become concerned for the safety of the adult.



Record your concerns and action taken.



Follow up telephone discussion with written adult support and protection referral form (AP1) if not already completed.

Appendix 5 - Referral Process to Social Work

Telephone the locality social work office in your area and ask to speak to a duty worker. A worker from child care, if under 18 years or community care if over 16 years of age will be alerted of your concerns as appropriate.

Advice the duty worker of

- Your details
- Current concerns
- Information you have accessed from the child or adult at risk.
- Where the individual is currently and how best to contact them.

The duty worker will advise you on any further action eg complete an Adult Protection (AP1) referral form or a notification of concern form if there are child care concerns.

You will be contacted for further information or action be taken. ☎

Contact Details

Social Work Locality offices Locality Team	Address	Postcode	Telephone
Airdrie Social Work	Carers Team, Mitchell Street, Airdrie	ML6 6AW	☎ 01236 757000
Bellshill Social Work	95 Main Street, Bellshill	ML4 3DZ	☎ 01698 346666
Coatbridge Social Work	Buchanan Centre, Coatbridge	ML5 3BJ	☎ 01236 622100
Cumbernauld Social Work	Bron Chambers, Bron Way, North Carbrain Road Cumbernauld	G67 1DZ	☎ 01236 638700
Motherwell Social Work	Dalziel Building, Motherwell	ML1 1PA	☎ 01698 332100
Wishaw Social Work	Houldsworth Centre, Wishaw	ML2 7LP	☎ 01698 348200
SWES (out of hours service)	Dalziel Building, Motherwell	ML1 1PA	☎ 0800 121 4114

Appendix 6 – Information Checklist

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: <ul style="list-style-type: none"> • Date of report • Name of person under threat • Nationality • Age • Date and place of birth • Passport details – check if hold dual nationality and hold 2 passports School /College details Employment details	
Full details of the allegation/concern <ul style="list-style-type: none"> • Name and address of parents or those with parental responsibility • National Insurance number • Driving license 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	
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?)	
inform the person of options and discuss possible consequences of the options available (See SG Guidance p. 37 for information about options)	
Establish if there is a family history of forced marriage, e.g. siblings forced to marry. Other indicators may include domestic violence, self-harm, family disputes, unreasonable restrictions (e.g. withdrawal from education or “house arrest”) or missing persons within the family	

Appendix 7 - General Safety Planning

Risks	Details of plan
What is the risk to the individual and any children?	
Who else is at risk if they help the individual	
Do you want to involve the police ?	Yes / no / Other
<u>Money</u> – can you open a bank or savings account in your name (but think about where any paperwork would be kept or sent); can you leave spare cash with a trusted friend?	
<u>Papers</u> – where can you leave copies (or serial numbers) of important documents such as your own or children’s passports, birth certificates, information of your own and/or her children’s medication, National Insurance number (for example with Women’s Aid, police, or a trusted friend)	
How can you access clothes, prescription medicines	
Helpline numbers – (discuss how to disguise the numbers or help memorise them)	
Telephone card or mobile in credit so you can phone for assistance (remind the individual they can dial 999 if they or any children are in immediate danger)	
Safe emergency accommodation – where can you go if necessary? Remember that standard local authority accommodation might feel frightening without additional immediate support for language or cultural differences and so you should try to address these needs too	
Any other relevant information	

Appendix 8 - Useful Contacts

Forced Marriage Unit	<p>Telephone: 020 7008 0151 Email: fmf@fco.gov.uk Web: http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage/</p>
NHS Lanarkshire Health Improvement Gender-Based Violence Services	<p>Main Admin Building Coathill Hospital Hospital Street Coatbridge ML5 4DN 01698 753686</p>
AMINA Muslim Women’s Resource Centre	<p>Network House, 311 Calder Street, Glasgow, G42 7NQ Telephone: 0808 801 0301 or 0141 585 8026 Email: info@mwrc.org.uk Web: www.mwrc.org.uk</p>
Shakti Women’s Aid	<p>51 Albion Road, Edinburgh, EH7 5QY Telephone: 0131 475 2399 Email: info@shaktiedinburgh.co.uk Web: http://www.shaktiedinburgh.co.uk/</p>
Hemat Gryffe	<p>Glasgow Telephone: 0141 353 0859 Web: http://www.hematgryffe.org.uk/</p>

Appendix 9 - Forced Marriage Protection Order (FMPO)

1. Applying for a FMPO

1.1 Information on the order is contained in Section 3, Part 1 of Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011.

1.2 The worker will provide information regarding the individual's wishes in relation to obtaining a FMPO, as well as highlight any safety concerns or potential consequences of pursuing a FMPO. The decision to apply for a forced marriage protection order will be taken after formal discussion involving the Allocated worker, Team Manager, Fieldwork Manager, Legal Services and any other relevant party at a planning meeting or case conference. It is recommended that consideration be given to a representative from a specialist agency (i.e. Shakti Women's Aid, Hemat Gryffe Women's Aid or a local Women's Aid group) also being present. In North Lanarkshire we are recommending that NHS Lanarkshire's Gender Based Violence team are invited.

1.3 The FMPO will only be granted for the purpose of protecting a person from being forced into a marriage or from any attempt to force the person into a marriage, or who has been forced into a marriage. In the Act "force" includes:

- a) coerce by physical, verbal or psychological means, threatening conduct, harassment or other means,
- b) knowingly take advantage of a person's incapacity to consent to marriage or to understand the nature of the marriage.

1.4 Areas that need to be considered and have available evidence evaluated include:

- Need for urgent/immediate action
- Impact on protected person
- Health, safety and well being
- Protected person's wishes and feelings
- Age and level of understanding
- Capacity to consent
- Family history
- Continuing threat and intent by family
- Probable consequences of intervention and/or non intervention
- Location of place of safety
- Ongoing support needed
- Need for financial support as the person may have no access to money, clothes, specific foods (halal) - vouchers not always applicable. Access to benefits.
- Possibility of accessing personal belongings e.g visit to family home accompanied by social worker, police officer and interpreter (in case family make threats)
- Need for safety plan
- Duration of order – e.g. what evidence is there that the issue is ongoing?
- Awareness that order can be varied or recalled or extended

1.5 Section 3 of the Act enables any person, with leave of the court, to apply for

an FMPO. However, the victim, or “relevant third parties” i.e., a local authority, the Lord Advocate and any other person specified by order may apply without leave. The Court application may take time, so workers need to ensure the protected person has somewhere safe to stay while the application is proceeding. An interim order can be granted ahead of a full hearing.

- 1.6 It is important to consider that an FMPO may or may not actually increase an individual’s safety. Ongoing safety planning and consideration of risks should still be in place once an FMPO is granted.

2. Content of FMPO

- 2.1 A protection order may contain prohibitions, restrictions or requirements which may include some of the following

- To stop the protected person from going through the marriage ceremony
- Take the protected person to a place of safety
- To submit specific documents to the courts e.g. passport(s), birth certificate and travel documents
- To stop violent, threatening or intimidating behaviour
- To stop someone from being taken abroad, or facilitate or enable their return from abroad within a specified period
- Powers of arrest where an order is breached

- 2.2 The Police should be notified immediately that a FMPO has been granted.

- 2.3 The person’s legal status should immediately be recorded on mySWIS

3. Planning and Review following enactment of FMPO

- 3.1 Once an order has been granted and enacted, it is important to ensure ongoing support and specialist help from groups who have a history of working with survivors of forced marriage. Isolation from family and friends is a likely outcome of a FMPO, and the impact of this on the person must be taken into consideration. In circumstances where an FMPO has not been granted or is not identified as an option, further planning is still needed to ensure appropriate support and safety planning until the risk has decreased. A core group should be established to review the support plan on a monthly basis. This would be chaired by a team manager.

- 3.2 If protected person is placed out with local authority area, arrangements need to be in place for ongoing support and future management.

- 3.3 A review case conference, chaired by the Locality Social Work Manager, should take place within 3 months of the granting of the FMPO.

4. Breach of a forced marriage protection order

Breach of a FMPO 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 who 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.

For more information or advice contact legal services or:

Forced Marriage Protection Unit

www.gov.uk/stop-forced-marriage

fm@fcdo.gov.uk

Telephone: 020 7008 0151

From overseas: +44 (0)20 7008 0151

Monday to Friday, 9am to 5pm

Out of hours: 020 7008 5000