

North Lanarkshire
Forced Marriage and Honour Based Violence
Multiagency Guidance

Produced by :

North Lanarkshire Violence Against Women Working Group
Child Protection Committee
and
Adult Protection Committee



North Lanarkshire
Adult Protection
Committee



1. Introduction

Add Introduction to this document that stating this document relates to both individuals and groups

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.

Forced marriage and HBV are part of the continuum of violence against women and are forms of child and adult abuse. The operational response to these issues will be either child or adult protection and should form part of existing domestic abuse, child and adult protection structures, policies and procedures. From November 2021 all work in public protection will be underpinned by a contextual safeguarding approach.

2. 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 Scottish Government had published statutory guidance on Forced Marriage for relevant persons and bodies as well as Multi-Agency Practitioner Guidance:

Forced marriage statutory guidance (updated 2014) :
<http://www.scotland.gov.uk/Publications/2014/10/6721/0>

Multi-agency practice guidance (updated 2014) <http://www.scotland.gov.uk/Publications/2014/10/4797/0>

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**.

3 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

4 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 16 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

A forced marriage is defined as a marriage in which one or both spouses do not (or, in the case of children and some adults at risk, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

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

The National Guidance for Child Protection in Scotland 2021 defines child abuse and child neglect as forms of maltreatment. 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.

[National guidance for child protection in Scotland 2021 - gov.scot \(www.gov.scot\)](https://www.gov.scot/publications/national-guidance-for-child-protection-in-scotland-2021/pages/1-1-introduction-to-the-guidance.aspx)

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

Adult Protection

The Adult Support & Protection Act 2007 defines "adult at risk" as adults who is aged 16 years or over and

- Unable to safeguard their own well being, property, rights or other interests
- At risk of harm; and

- Because they are affected by disability, mental disorder, illness or physical infirmity, 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.

5. 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 responseto tackling domestic abuse and responding to children and adults at risk of harm.

If a child or young person up to 16 years old (or 18 if subject to a compulsory supervision order) is thought to be at risk of Forced Marriage or Honour Based Violence then a response under child protection procedures is always required.

If the person is 16 years or over, there are established adult protection procedures which should be followed where they apply. However many victims of forced marriage and honour based violence do not fit within the adult support and protection criteria. In these circumstances the person should be referred to Multi Agency Risk Assessment Conference (MARAC). MARAC is a process for managing high risk cases (risk of serious injury or homicide) of domestic abuse. The Statutory Guidance on Forced Marriage states that Forced Marriage is a form of domestic abuse and therefore it is appropriate to use the MARAC process to manage cases of Forced Marriage that do not meet the criteria for Adult Protection.

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.

6. Warning Signs

There are 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.

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.

7. 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 wasted.

- If the young person is under 16 contact Locality Social Work Children and Families Team making clear you have child protection concerns. If the person is an adult with support needs, consider adult protection procedures.
- 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 gender 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

8. Referral process for partner agencies.

Where you have concerns contact your local social work office (**Appendix 5**) and *ask to speak to a duty worker* for Education & families or community care.

If your concern relates to a child you should make it clear you are making a Notification of Child Protection Concerns (NOCPC) and follow this up with the written NOCPC paperwork. This should result in an Initial Referral Discussion to consider the need for a Child Protection Investigation. In the meantime emergency action will be taken if required to keep the child safe. As a multiagency approach is the most effective way to deliver support you may be asked to attend a case conference, contribute to assessments and planning and be part of any ongoing protection plan.

If your concern relates to an adult then depending on the nature of your concerns the duty worker will follow up on your referral and take appropriate action. If action is taken through adult protection procedures you will be asked to complete the relevant paperwork (AP1). As a multi agency approach is the most effective way to deliver support you may be asked to attend case conference, contribute to 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.

ADDITIONAL GUIDANCE FOR SOCIAL WORK

9. Presentation

9.1 There are a number of warning signs (**Appendix 3**) for professionals to be alert to in cases where forced marriage has either already happened or is at risk of happening. Many of these warning signs may also indicate a risk of other forms of HBV. 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. 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.

- 9.2 People at risk of forced marriage or HBV take a huge 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-centred. This means taking any disclosures seriously. For many victims, seeking outside help is a last resort (see **Appendix 4**).
- 9.3 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.
- 9.4 Contact should **not** be made with any embassy or high commission representing the victim's country of origin without their consent.

10. Taking immediate action

- 10.1 The worker must speak to their team manager, or in their absence the duty team manager, as a matter of urgency. If child protection or adult protection options are considered the appropriate Locality Social Work Manager and Adult or Child Protection Senior Officer should be alerted.
- 10.2 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.
- 10.3 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 initial referral discussion (IRD) should take place as soon as possible after the immediate protection action is implemented.
- 10.4 It should be noted that the point at which the family become 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.
- 10.5 The potential benefits of a Forced Marriage Protection order should be considered (information on this process is outlined in **Appendix 9**)
- 10.6 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, that the police should be informed as soon as possible.

11. Referral, Initial Enquiry and Assessment Process for Social Work

- 11.1 Many adult victims of forced marriage do not fit within adult support and protection criteria. A victim may be at risk but not meet the particular criteria defined by legislation. It is important to make sure that any victim, whatever their age or circumstances, who is in, or at risk of, a forced marriage or HBV, is supported through effective multi agency working and that you take action to ensure their safety.
- 11.2 If the person is under 16 (or 18 if subject to a compulsory supervision order) action should always be taken following Child Protection Procedures.
- 11.3 If the individual is above the age of 16 and meets the criteria for adult protection, they should be referred to Adult Protection, and action should be taken in line with Adult Protection Procedures.
- 11.4 If the person is an adult and does not meet the criteria for Adult Protection they should be referred to a MARAC. Workers should follow their agency's procedures for MARAC and the North Lanarkshire MARAC Operating Protocol.
- 11.5 In consultation with their manager where possible it is important that those with a lead responsibility for working with the individual
- Ensures that all relevant information is collected (**Appendix 6** provides a useful checklist)
 - Continues to ascertain wishes of the individual
 - Agrees immediate and long-term safety plan with the individual (**Appendix 7**)
 - Informs the person of options and discuss possible consequences of the options available
 - Continues to have regular discussion with the team manager to determine future action
- 11.6 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**)
- 11.7 The team manager should:
- Decide 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
- 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.
- If the person meets the criteria for ongoing protective action under Adult Support and Protection or childcare legislation, consider use of this legislation

11.8 All information should be recorded on appropriate electronic systems.

12. Ongoing Support

12.1 Whether or not Forced Marriage Protection Order or other legal measures are pursued consideration should be given to:-

- The need for further planning ongoing support and safety planning 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.
- Involving a specialist support service as part of the support plan and including them in core group meetings (eg Shakti Women's Aid, Hemat Gryffe Women's Aid, or a local Women's Aid group)

Links to Legislation and Guidance

Legislation

[National guidance for child protection in Scotland 2021 - gov.scot \(www.gov.scot\)](http://www.gov.scot)

[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](#)

[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](#)

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)

(<http://www.un.org/en/documents/udhr/index.shtml#a16>)

“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

(<http://www2.ohchr.org/english/law/convention.htm#wp1033262>)

Guidance and Research

[Forced Marriage Statutory Guidance](#)

[Responding to Forced Marriage: Multiagency Practice Guidelines](#)

[National Guidance for Child Protection in Scotland 2014](#)

[Forced Marriage and Learning Disabilities: Multi-Agency Practice Guidelines](#)

[Harmful Traditional Practices- what health workers need to know](#)

[Forced Marriage: A Wrong not a Right](#)

[Learning Disabilities and Gender-based Violence – a Literature Review](#)

Definitions

Gender-based violence

This is defined by the United Nations⁵ as ‘violence that is directed against a woman because she is a woman, or violence that affects women disproportionately; it encompasses a spectrum of abuse that includes domestic abuse, rape and sexual assault, childhood sexual abuse, sexual harassment, stalking, commercial sexual exploitation, and harmful traditional practices such as female genital mutilation (FGM), forced marriage and so-called ‘honour’ crimes’.

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)

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 (see page 62) 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

Section 93(2)(a) and (b) of the Children (Scotland) Act 1995 defines a child in relation to the powers and duties of the local authority. Young people between the age of 16 and 18 who are still subject to a supervision requirement by a Children’s Hearing can be viewed as a child. Young people over the age of 16 may still require intervention to protect them.

The United Nations Convention on the Rights of the Child applies to anyone under the age of 18. However, Article 1 states that this is the case unless majority is attained earlier under the law applicable to the child. Although the differing legal definitions of the age of a child can be confusing, the priority is to ensure that a vulnerable young person who is, or may be, at risk of significant harm is offered support and protection. The individual young person’s circumstances and age will, by default, dictate what legal measures can be applied. For example, the Adult Support and Protection (Scotland) Act 2007 can be applied to over-16s where the criteria are met.

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.

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 exploiting or corrupting children. 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.

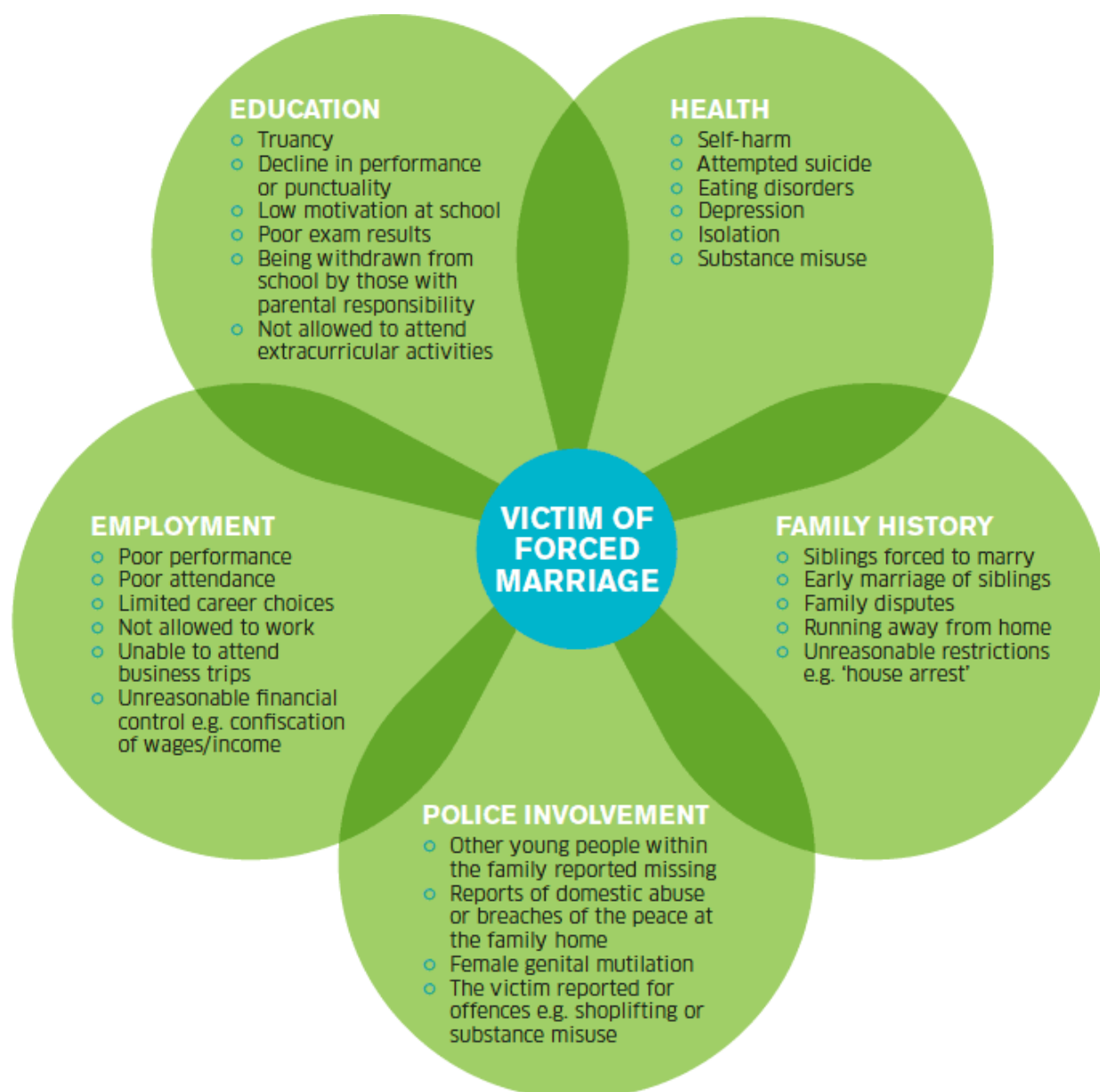
Sexual abuse

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.

Neglect

Neglect is the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development. It may involve a parent or carer failing to provide adequate food, shelter and clothing, to protect a child from physical harm or danger, or to ensure access to appropriate medical care or treatment. It may also include neglect of, or failure to respond to, a child's basic emotional needs. Neglect may also result in the child being diagnosed as suffering from 'non-organic failure to thrive', where they have significantly failed to reach normal weight and growth or development milestones and where physical and genetic reasons have been medically eliminated. In its extreme form children can be at serious risk from the effects of malnutrition, lack of nurturing and stimulation. This can lead to serious long-term effects such as greater susceptibility to serious childhood illnesses and reduction in potential stature. With young children in particular, the consequences may be life-threatening within a relatively short period of time.

Warning Signs



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 16 years of age, refer to child protection.
- If the person is an adult with support needs, consider using adult protection process.
- 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 Muslin 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 (NOCPC)
Phone 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 NOCPC using standard template

Person is an Adult

Consider making an adult 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. Highlight any immediate risk to safety.



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 protection referral form (AP1) if not already completed.



If the person does not meet the criteria for adult protection a referral to MARAC should be made

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 16 years or community care if over 16 years of age will be alerted of your concerns as appropriate.

Advise 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 you may have to take eg complete an Adult Protection (AP1) referral form or a notification of concern form if there are child care concerns.

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

Contact Details

Social Work Locality offices Locality Team	Address	Postcode	Telephone
Airdrie Social Work	Coats House, Gartlea Road, Airdrie	ML6 9JA	☎ 01236 757000
Bellshill Social Work	303 Main Street, Bellshill	ML4 1AW	☎ 01698 346666
Coatbridge Social Work	Municipal Buildings, Kildonan Street, Coatbridge	ML5 3BT	☎ 01236 622100
Cumbernauld Social Work	Bron Chambers, Bron Way, North Carbrain Road Cumbernauld	G67 1DZ	☎ 01236 638700
Motherwell Social Work	Scott House, 73/77 Merry Street, Motherwell	ML1 1JE	☎ 01698 332100
Wishaw Social Work	Kings Building, King Street, Wishaw	ML2 8BS	☎ 01698 348200
SWES (out of hours service)	10 Blairhill Street Coatbridge	ML5 1PG	☎ 0800 121 4114

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: • 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 • Name and address of parents or those with parental responsibility • National Insurance number • Driving licence number	
Obtain a list from the person under threat of all those friends and family who can be trusted and their contact details	
Establish a code word to ensure you are speaking to the right person	
Establish a way of contacting them discreetly in the future that will not put them at risk of harm	
Obtain any background information including schools attended, involvement by adult or children's social care, doctors or other health services etc	
Record details about any threats, abuse or other hostile action against the person, whether reported by the victim or a third party	
Obtain a recent photograph and any other identifying documents. Document any other distinguishing features such as birthmarks and tattoos	
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	

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	

Useful Contacts

Forced Marriage Unit	Telephone: 020 7008 0151 Email: fmufco.gov.uk Web: http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage/
AMINA Muslim Women's Resource Centre	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
Shakti Women's Aid	51 Albion Road, Edinburgh, EH7 5QY Telephone: 0131 475 2399 Email: info@shaktiedinburgh.co.uk Web: http://www.shaktiedinburgh.co.uk/
Hemat Gryffe	Glasgow Telephone: 0141 353 0859 Web: http://www.hematgryffe.org.uk/

Documents

Scotland	Forced Marriage: A Wrong not a Right Forced Marriage: A Civil Remedy Harmful Traditional Practices- what health workers need to know Learning Disabilities and Gender-based Violence – a Literature Review Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 Forced Marriage: Statutory Guidance Responding to Forced Marriage: Multi-Agency Practice Guidelines
UK	Forced Marriage and Learning Disabilities: Multi-Agency Practice Guidelines

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 Named Officer for Forced Marriage cases 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.
- 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.

- 1.6 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.
- 1.7 It is important to consider that a 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

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