

# **Enfield Safeguarding Children Board**

## **Forced Marriage: Children and young people protocol**



... because safeguarding children is everyone's responsibility

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## ACKNOWLEDGEMENTS

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### **Important Note**

This protocol should be read in conjunction with *the London Child Protection Procedures*, 4th Edition (London Safeguarding Children Board, 2011).

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## 1. PURPOSE OF THE PROTOCOL

- 1.1** To establish the duties and responsibilities to all persons and bodies who exercise public functions in relation to **safeguarding and promoting the welfare of children** (i.e. a person who has not reached their 18<sup>th</sup> Birthday), as listed in section 11 of the Children Act 2004 and under sections 175 and 157 of the Education Act 2002.
- 1.2** To establish clear joint working arrangements between these persons and bodies on the issue of Forced Marriage. This includes (though is not limited to):
- a. The Local Authority (including Children's Services);
  - b. The Police Authority;
  - c. The British Transport Police Authority;
  - d. The Health Authority (including the Strategic Health Authority, NHS Trust, NHS foundation Trust, Primary Care Trust, Special Health Authority, Local Health Board, and Child and Adolescent Mental Health Services);
  - e. The Education Authority (including maintained schools and colleges);
  - f. Independent Schools;
  - g. The Probation Board;
  - h. The Youth Offending Team;
  - i. The Local Safeguarding Children Board;
  - j. The Forced Marriage Unit (FMU) of the Foreign and Commonwealth Office.

A full list of relevant bodies can be obtained from reading the specified sections of the above Acts. It is also recognised that while not subject to statutory requirements, Non-Government Organisations (NGOs) / Voluntary Organisations may also play a vital role in the matter, especially in respect to identifying and supporting victims.

- 1.3** To improve the knowledge of these persons and bodies on the issue of forced marriage, and to establish clear partnership-working structures and referral pathways to enable this work to be undertaken within prescribed 'Best Practice' guidelines, as provided by the government.
- 1.4** To maintain this protocol as an organic document, to be revised and updated on a regular basis in response to service developments, statutory legislation, and best practice guidelines.

## 2. INTRODUCTION<sup>1</sup>

### 2.1 The Basis of the Protocol

- 2.1.1 The protocol is based upon best practice guidelines *The Right to Choose: multi-agency statutory guidance for dealing with forced marriage* (HM Government, 2008).

### 2.2 The Distinction between a Forced Marriage and an Arranged Marriage

- 2.2.1 There is a clear distinction between a forced marriage and an arranged marriage. In arranged marriages, 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 both the prospective spouses.

2.2.2 In forced marriages, one or both spouses do not (or, in the case of some vulnerable adults, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure.

### 2.3 The “One Chance” Rule

2.3.1 Statutory bodies providing services to victims of forced marriage and honour-based violence need to be aware of the “**one chance**” rule. If the child/young person is allowed to walk out of the door without support, that one chance might be wasted (see sections 2.7, 2.8 and 2.9).

### 2.4 Forced Marriage and Child Abuse / Child Protection

2.4.1 The government regards forced marriage as an abuse of human rights and where it affects children and young people, **child abuse**. Forced marriage impairs the child or young person’s health and development and may involve rape.

2.4.2 A forced marriage of a child or young person under the age of 18 is also a **child protection issue**.

### 2.5 Incidences of Forced Marriage in the UK

2.5.1 Forced Marriage can happen to both men and women, although most cases involve young women and girls aged between 13 and 30. There is no typical victim of forced marriage. Some victims may have a disability, some may have young children, and some may be spouses from overseas.

2.5.2 The majority of cases of forced marriage reported to date in the UK involve South Asian families. This is partly a reflection of the fact that there is a large, established South Asian population in the UK. However, forced marriage is not solely a South Asian problem, and there have been cases involving families from the Middle East, Europe and Africa. Some forced marriages take place in the UK with no overseas elements, while others involve a partner coming from overseas or a British subject being sent abroad.

2.5.3 In the first nine months of 2008 alone, over 1,300 incidences of suspected forced marriage have been reported to the Forced Marriage Unit of the Foreign and Commonwealth Office. Cases may also come to the attention of the police, social care services, health, education and voluntary organisations. Many others are likely to have been unreported.

### 2.6 Motivating Factors behind Forced Marriage

2.6.1 Parents who force their children to marry often justify their behaviour as protecting their children, building stronger families, and preserving cultural or religious traditions. Forced marriage cannot be justified on religious grounds; every major faith condemns it and freely given consent is a prerequisite of Christian, Jewish, Hindu, Muslim and Sikh marriages.

2.6.2 While it is important to have an understanding of the motives that drive parents to force their children to marry, these motives should not be accepted as a justification. Forced marriage is a breach of children’s rights under the UN Convention of the Rights of the Child (UNCRC) as well as an abuse of human rights:

**“Marriage shall be entered into only with the free and full consent of the intending spouses.”**

*(Universal declaration of Human Rights, Article 16 (2))*

### 2.6.3 A number of key motives identified include (though are not limited to):

- a. Controlling unwanted behaviour and sexuality (including perceived promiscuity, or being gay, lesbian, bi-sexual or transgender) – particularly the behaviour and sexuality of women;
- b. Preventing “unsuitable” relationships, e.g. outside the ethnic, cultural, religious or caste group;
- c. Protecting “family honour” or “izzat”;
- d. Responding to peer group or family pressure;
- e. Attempting to strengthen family links;
- f. Achieving financial gain;
- g. Ensuring land, property and wealth remain within the family;
- h. Protecting perceived cultural ideals;
- i. Protecting perceived religious ideals;
- j. Ensuring care for a child or vulnerable adult with a disability and/or special needs when parents or existing carers are unable to fulfill that role<sup>1</sup>;
- k. Assisting claims for UK residence and citizenship;
- l. Long-standing family commitments.

## 2.7 Vulnerability and Isolation

2.7.1 Isolation is one of the biggest problems facing those trapped in, or under threat of, a forced marriage. Some may not be able to speak English. **Only rarely will an individual disclose fear of forced marriage.** Therefore, someone who fears they may be forced to marry may come to the attention of health professionals, police, social care services, education services or other professionals for various behaviours consistent with distress.

2.7.2 Young people forced to marry, or those who fear they may be forced to marry, are frequently withdrawn from education, restricting their educational and personal development. This includes when removed for apparent ‘home education’. They may feel unable to go against the wishes of their parents and be threatened with disownment if they do – consequently they may suffer emotionally, which could lead to depression and self-harm.

2.7.3 A mental or physical disability or illness adds to a young person’s vulnerability and may make it more difficult for them to report abuse or to extricate themselves from an abusive situation. Their care needs may make them dependent on their carers.

## 2.8 The Possible Consequences of Forced Marriage

2.8.1 Girls and young women trapped in a forced marriage often experience violence, rape, forced pregnancy and forced child bearing. Many girls and young women are withdrawn from education early. Some are taken and left abroad for extended periods, which isolates them from help and support – this limits their choices so that often they go through with the marriage as the only option. Some may be unable to leave the house unescorted – living virtually under house arrest.

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<sup>1</sup> Based on the social model of disability, and referring to actual (or perceived) physical, sensory, emotional and/or learning impairment, in addition to long-term illness, HIV or AIDS, drug or alcohol dependence, frailty, old age, and/or Mental health problems. This also concerns the entire age spectrum (i.e. other children as well as adults).

2.8.2 Those forced to marry may find it very difficult to initiate any action to end the marriage. In some cases, they suffer violence and abuse from the extended family. Victims frequently end up trapped in a relationship marked by physical and sexual abuse.

## **2.9 The Possible Consequences of Fleeing a Forced Marriage**

2.9.1 Young people within a forced marriage may feel that running away is their only option. For many young people, leaving their family can be especially hard. They may have no experience of life outside the family.

2.9.2 Finding accommodation can be very difficult – especially for those who do not have leave to remain and therefore do not have recourse to public funds. Living away from home with little support can make a young person feel more isolated and make it more likely that they will return to the abusive situation. In addition, leaving their family (or accusing them of a crime or simply approaching statutory agencies for help) may be seen as bringing shame on their honour and on the honour of the family in the eyes of the community. This may lead to social ostracism and harassment from the family and community.

2.9.3 Those who do leave often live in fear of their own families, who may go to considerable lengths to find them and ensure their return. Families may solicit the help of others to find their runaways, or involve the police by reporting them missing or falsely accusing them of a crime (for example, theft).

## **2.10 Difficulties Faced when a Forced Marriage Takes Place Overseas**

2.10.1 For many this may be their first experience traveling overseas. If they are being held against their will and forced to marry there are various difficulties they may encounter if they want to return to the UK. They may find it impossible to communicate by telephone, letter or e-mail. They may not have access to their passport and money. Girls and young women may not be allowed to leave the house or premises unescorted, and may be unable to speak the local language.

2.10.2 Often individuals find themselves in remote areas where even getting to the nearest road can be hazardous. They may not receive the assistance they expect from the local police, neighbors, family, friends or taxi-drivers. Some individuals may find themselves subjected to violence or threats of violence.

2.10.3 As with all cases of forced marriage, it is important to contact the **Forced Marriage Unit** of the Foreign and Commonwealth Office for advice and assistance.

### 3. THE LEGAL POSITION OF FORCED MARRIAGE IN THE UK

#### 3.1 Law on Marriage

- 3.1.1 The minimum age at which a person is able to consent to marriage is 16; a person between the ages of 16 and 18 may not marry without consent of those with parental responsibility (unless the young person is a widow/widower)<sup>2</sup>.
- 3.1.2 Some forced marriages will be legally valid until they are annulled or the court grants a divorce. Others may not be legally valid but may also need to be annulled. There are strict legal requirements that govern whether a marriage is valid under UK law. Specialist legal advice should be sought. Under the Matrimonial Causes Act 1973 (section 12), a marriage shall be voidable if:

**‘either party to the marriage did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind or otherwise’.**

#### 3.2 Criminal Law

- 3.2.1 Although there is currently no specific criminal offence of “forcing someone to marry” within England and Wales, **criminal offences may nevertheless be committed**. Perpetrators – usually parents or family members – could be prosecuted for offences including threatening behaviour, assault, kidnap, abduction, imprisonment and murder (so-called “honour crimes”).
- 3.2.2 Sexual intercourse without consent (or where consent cannot be validly provided, such as in the case of children under 16) is rape, regardless of whether this occurs within a marriage or not.

#### 3.3 Child Protection and the Law

- 3.2.3 Where there are concerns a child/young person is being threatened with, or already in, a forced marriage, the Local Authority can consider making an application to the courts for a care or supervision order. The High court could also instigate wardship proceedings.
- 3.2.4 A Forced Marriage Protection Order (FMPO) can also be sought under the Forced Marriage (Civil Protection) Act 2007, to protect both adults and children at risk, or already forced into a marriage.
- 3.2.5 A child or young person may be the subject of child abduction proceedings if taken overseas, as well as a FMPO. **The Forced Marriage Unit MUST be contacted in all instances.**

### 4. RECOGNISING A CHILD/YOUNG PERSON MAY BE A RISK OF FORCED MARRIAGE<sup>3</sup>

#### 4.1 General Overview

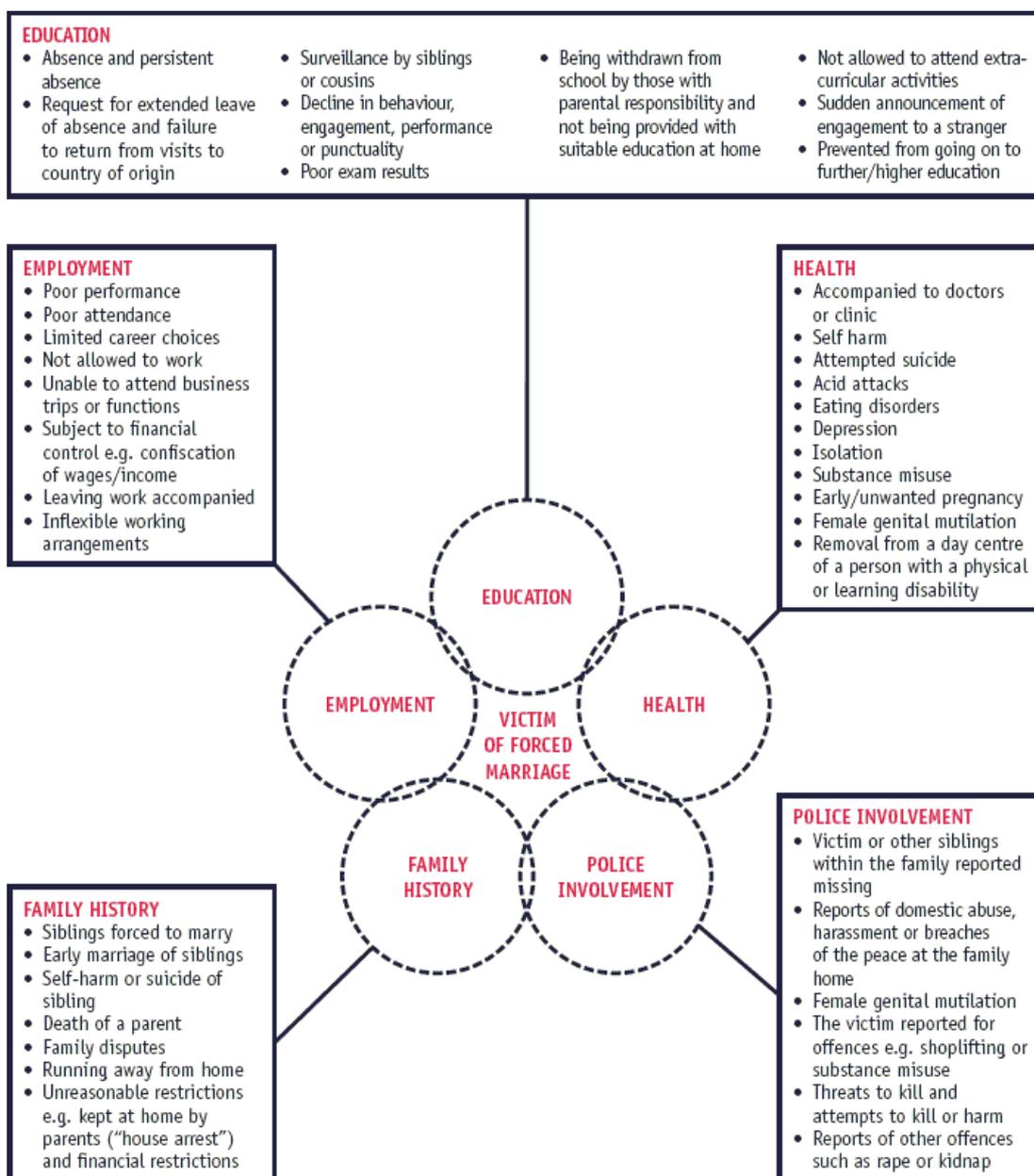
- 4.1.1 The child/young person facing forced marriage may appear anxious, depressed and emotionally withdrawn with low self-esteem. They may come to the attention of professionals for a variety of reasons, some of which are given in the diagram below. It should not be assumed that the issue of forced marriage has been identified simply on the basis that someone presents one or more of these warning signs. **They may indicate other types of abuse that will also require a multi-agency response.** The indicators provided are not intended to be exhaustive.

4.1.2 Professionals should respond in a similar way to forced marriage as with domestic violence and honour-based violence (i.e. In facilitating disclosure, developing individual safety plans, ensuring the child's safety by according them confidentiality in relation to the rest of the family, completing individual risk assessments, etc). See sections 5.11 and 5.20 of the *London Child Protection Procedures* (3<sup>rd</sup> edition, 2007) for further information on domestic violence and honour-based violence.

**4.2 Further reading**

4.2.1 Additional warning signs are provided in guidance specifically produced for police, health, education, and social care professionals, listed in Appendix F.

**4.3 Diagram of Warning Signs (“The Right to Choose...” HM Government, 2008)**



## **5. ACTIONS FOR CHIEF EXECUTIVES, DIRECTORS AND SENIOR MANAGERS ADDRESSED<sup>4</sup>**

### **5.1 Introduction**

- 5.1.1 Forced marriage is a violation of human rights and a form of child abuse, and should be treated as such. Cases should be tackled regardless of cultural sensitivities using existing structures, policies and procedures designed to safeguard children.
- 5.1.2 *The Right to Choose: multi-agency statutory guidance for dealing with forced marriage* (HM Government, 2008) may be consulted for further elaboration on the actions listed below.

### **5.2 Organisational Commitment**

- a. A person with overall responsibility for safeguarding children should lead on forced marriages;
- b. There are policies and procedures in place to protect those facing forced marriage, involving:
  - i. A designated individual responsible for developing and updating said policies and procedures to reflect any structural, departmental and legal changes; and
  - ii. Further, the designated person should be a specialist on child protection with existing experience, expertise and knowledge.
- c. There is a named person whose responsibility it is to ensure that cases of forced marriage are handled, monitored and recorded properly;
- d. There is a senior specialist who has undertaken additional training, who can be approached to discuss and direct difficult cases.
- e. Non-statutory organisations will refer to Children's Social Care, the Police, and where applicable, the Forced Marriage Unit.

### **5.3 Individual and Inter-Agency Responsibilities**

- a. Through established policies and procedures, professionals are familiar with their duties and responsibilities when protecting individuals threatened with, or already in, a forced marriage;
- b. Professionals know to whom they should refer cases and when to refer cases to other agencies. These procedures are set out in existing guidance to safeguard children;
- c. Professionals understand the difference between breaking confidence (involving the family without the individual's consent) and sharing information with other professionals to protect the individual from significant harm;
- d. The Local Safeguarding Children Board takes a lead role in developing policies and procedures for multi-agency working and information sharing to protect children from harm.

## **5.4 A Child Centered Approach<sup>5</sup>**

- 5.4.1 Where an allegation of forced marriage or intended forced marriage is raised, the professional should:
- a. See the child immediately in a secure and private place;
  - b. See the child on their own;
  - c. Explain to the child the limits of confidentiality;
  - d. Tailor their approach according to whether the child is already married or is at risk of being married (e.g. are there indications of a specific plan to force the child to marry?). There may also be information suggesting a child will be taken out of the country, often for a 'holiday' during a vacation period, and professionals should be aware that this could be linked to suspicions or concerns that the child is at risk of forced marriage;
  - e. Encourage and/or help the child to complete a personal risk assessment (see the proforma's in the supplementary London procedure Safeguarding Children Abused Through Domestic Violence, available at [www.londonscb.gov.uk/procedures](http://www.londonscb.gov.uk/procedures));
  - f. Develop an emergency safety plan with the child;
  - g. Explain all the options to the child (starting with the fact that forced marriage is illegal in the UK and recognise and respect the child's wishes. If the child does not want Children's Social Care to intervene, the professional will need to consider whether the child's wishes should be respected or whether the child's safety require that further action be taken. This requires the professional to make an assessment of the risk of harm facing the child.
  - h. Agree a means of discreet future contact with the child;
  - i. Contact, as soon as possible, the agency's nominated safeguarding children advisor, who should be involved in the assessment of risk;
  - j. Record all discussions and decisions (including rationale if no decision is made to refer to Children's Social Care);

## **5.5 Confidentiality, Record Keeping and Information Sharing<sup>6</sup>**

- 5.5.1 When dealing with allegations of forced marriage, all professionals should:
- a. Keep information from case file and databases strictly confidential, and preferably restricted to named members of staff only;
  - b. Consider, with their managers, staff safety when visiting the family home any other settings;
  - c. Get as much information as possible when a case is first reported, as there may not be another opportunity for the individual reporting to make contact – particularly if the child is going overseas;
  - d. When referring a case of forced marriage to other agencies, ensure they are capable of handling the case appropriately. If in doubt, consider approaching established women's/support groups who have a history of working with survivors of domestic violence and forced marriage and ask these groups to refer them to reputable agencies;
  - e. Recognise the police responsibility to initiate and undertake a criminal investigation if appropriate;
  - f. Encourage the child to get in touch with the Forced Marriage Unit of the Foreign and Commonwealth Office. The Unit gives advice to children who fear they may be forced to marry.

### 5.5.2 Professionals **should not**:

- a. Approach the child's family, friends or those people with influence within the community without the express consent of the child, as this will alert them to agency involvement / enquiries;
- b. Contact the family.
- c. Share information outside child protection information-sharing protocols without the express consent of the child;
- d. Breach confidentiality, except where necessary in order to ensure the child's safety;
- e. Attempt to be a mediator.

5.5.3 Multi-Agency Public Protection Arrangements (MAPPA) and Multi-Agency Risk Assessment Conferences play a role in managing the significant risk to individuals facing forced marriage.

5.5.4 The Assessment Framework should be used to assess the risks.

## 5.6 The Danger of Family Counseling, Mediation, Arbitration and Reconciliation

- a. Staff have adequate training to understand the danger of family counseling, mediation, arbitration and reconciliation;
- b. Staff understand that in cases of forced marriage, it is important that agencies do not initiate, encourage or facilitate family counseling, mediation, arbitration and reconciliation. Mediation can also place the individual at risk of further emotional and physical abuse;
- c. Staff are aware that on occasions when an individual insists on meeting with their parents, it should only take place at a safe location, supervised by a trained/specialist professional with an authorised accredited interpreter present (not from the same local community);
- d. Staff are aware that allowing the family to have unsupervised contact with the child is normally extremely risky.

## 5.7 Protecting Children with Disabilities

- a. Listening to disabled children and making sure they know how to raise concerns;
- b. Meeting the disabled children's care and support needs;
- c. Ensuring disabled children have access to adults outside the family for whom they can turn to help;
- d. Providing speech and language therapists to facilitate communication;
- e. Providing training and raising awareness about forced marriage amongst staff who care for disabled children;
- f. Providing an Independent Mental Capacity Advocate (IMCA) in cases where the victim lacks mental capacity – so their needs and wishes are understood and communicated.

## 5.8 Immediate Protection

5.8.1 There may be occasions when immediate emergency action is necessary to protect a child or young person from being forced to marry or abducted. In this case, a strategy discussion should take place as soon as possible after the immediate protection to plan the next steps (section 5.50 *Working Together*). Therefore:

- a. Recognise the importance and relevance of immediate protection;

- b. Recognise the risk to other siblings in the household who might be threatened with, or already in, a forced marriage;
- c. Understand that in almost no circumstances will it be sufficient to protect a child or young 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);
- d. Recognise that placing the child or young 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.

## **6. CHILDREN'S SERVICES (CHILDREN'S SOCIAL CARE)**

### **6.1 The Assessment Team**

6.1.1 This Team is responsible for taking all outside referrals regarding children who may be in need or about whom there are child protection concerns. It can (and will where necessary):

- a. Screen all initial referrals
- b. Conduct Initial and Core assessments
- c. Conduct child protection investigations
- d. Initiate legal action to protect a child
- e. Transfer cases to specialist teams for further services

### **6.2 The Child and Family Support Team**

6.2.1 This team takes cases where children require further services, where they:

- a. Have been made subject to a child protection plan; or
- b. Identified as in need, requiring services to maintain a reasonable level of health and development

The CFST will continue to work with the child and family until the concerns are resolved, or, if this is not possible, will initiate legal proceedings.

### **6.3 The Looked After Children Team**

6.3.1 This Team works with children who have been placed in foster care or residential care by agreement with parents/carers or under care orders.

### **6.4 The Emergency Duty Team**

6.4.1 This team works out of normal working hours at evenings and weekends to provide an emergency service for children who may be in immediate need of support or protection. Normally the service is staffed by one social worker. .

## 7. ACTION TO BE TAKEN BY CHILDREN'S SOCIAL CARE

### 7.1 Referrals

- 7.1.1 Where there is a disclosure or suspicion that a young person may be, or has been subjected to, a forced marriage, a referral must be made to Children's Social Care.
- 7.1.2 An initial telephone referral should be made to the relevant Assessment Team, and must be followed by a written referral within **48 hours**. The manager of the relevant team in Children's Social Care will acknowledge receipt of the referral and decide on a course of action within **1 working day**.

### 7.2 Child Protection Enquiries / Investigations

- 7.2.1 Where Children's Social Care has concerns about the child's immediate safety, for example where the child or young person is deemed at risk of significant harm, a forced marriage is imminent, and/or the child or young person is going to be taken overseas imminently, then **emergency action** must be considered.
- 7.2.2 Where initiated, there will be an immediate **strategy discussion** between social services, police and other appropriate services, the outcomes of which will be recorded.
- 7.2.3 Where considered, a Forced Marriage Protection Order should not take place or precedence over the emergency measures provided by the Children Act 1989. Legal advice should be sought.
- 7.2.4 Where no emergency action has been deemed necessary, the child or young person may be considered a child in need and an initial assessment will be undertaken within **10 working days** of the referral.

### 7.3 Response where a Young Person or Child has been taken overseas

- 7.3.1 Engage with the Police and the Forced Marriage Unit immediately. Where gathering information about the child and their family, do not contact an overseas organisation to make enquiries, as they may collude with the family, potentially placing the victim at greater risk of harm.
- 7.3.2 The child may be:
- Subject to Child Abduction Proceedings (Child Abduction and Custody Act 1985);
  - Made a ward of the court, and thus sought to return to the court's jurisdiction (Children and Young Persons Act 1969); and/or
  - Subject to a Forced Marriage Protection Order (Forced Marriage (Civil Protection) Act 2007).

Signatories to the Hague Convention and the European Convention concerning child abductions would be expected to co-operate, especially in respect to enforcing a Forced Marriage Protection Order. Note that Children's Social Care may not (or in the case of wardship, cannot) apply or initiate the above options.

- 7.3.3 Where a Young Person has been repatriated to the UK from Overseas:
- Arrange for an appropriate party to meet the young person at the airport / on arrival;
  - Inform the police;
  - Organise safe accommodation;

- d. Consider immediate protection / emergency action.

#### **7.4 Response for a Spouse who has come to the UK from Overseas**

- a. Consideration should be given to any young person under the age of 18 as an unaccompanied asylum-seeking minor, and accommodate them (Children Act 1989, section 20);
- b. Assist in providing immigration advice;
- c. Inform the police;
- d. Record any injuries and arrange a medical examination. Inform the medical practitioner that there may be an immigration application;
- e. Consider immediate protection / emergency action.

### **8. THE ROLE AND RESPONSIBILITY OF THE POLICE**

#### **8.1 Police Protection**

- a. The police may enter premises by force in order to protect life and limb (Police and Criminal Evidence Act 1984, section 17);
- b. The police may remove the young person and place them under "Police Protection" for up to 72 hours (Children Act 1989, Section 46);
- c. The police may provide protection for the young person and/or professionals who may visit the parental home, and can prevent a young person's removal from a hospital or other safe place in which the young person is accommodated.

#### **8.2 Initial Engagement and Referrals**

- 8.2.1 Where a child or young person is suspected or has been identified as facing a forced marriage, in accordance with the "once chance" rule, Police professionals will:
- a. Undertake initial enquiries / gather basic information in accordance with appropriate guidelines provided and referred to in this protocol;
  - b. Refer to Children's Social Care, and where appropriate the Forced Marriage Unit.

### **9. THE ROLE AND RESPONSIBILITY OF EDUCATION PROFESSIONALS**

#### **9.1 Initial Engagement and Referrals**

- 9.1.1 Where a child or young person is suspected or has been identified as facing a forced marriage, in accordance with the "once chance" rule, education professionals will:
- a. Undertake initial enquiries / gather basic information in accordance with appropriate guidelines provided and referred to in this protocol;
  - b. Refer to Children's Social Care, and where appropriate the Police and the Forced Marriage Unit.
- 9.1.2 It is the role of the Education professional to identify and refer any concerns for investigation by statutory services, such as Children's Services and the Police.

## **10. THE ROLE AND RESPONSIBILITY OF HEALTH PROFESSIONALS**

### **10.1 Medical Examinations**

10.1.1 In some cases, it may be necessary to arrange a medical examination for emotional or physical illness; in other cases, an individual may require attention for injuries for treatment or evidential purposes. It may not be advisable use a medical practitioner from the local community as this may threaten the security of the individual.

10.1.2 The report of the medical examination together with any records from other agencies (e.g. social services) and statements may provide police with vital evidence. The examination of a young person under the age of 18 years should be conducted in accordance with child protection procedures and should normally be carried out by a consultant paediatrician.

10.1.3 Where appropriate, a designated health professional will attend and participate at strategy/review meetings, and at child protection/review conferences. This includes providing information for enquiries under section 47 of the Children Act 1989. This includes medical data for safeguarding and evidential purposes.

### **10.2 Initial Engagement and Referrals**

10.2.1 Where a child or young person is suspected or has been identified as facing a forced marriage, in accordance with the "once chance" rule, Health professionals will:

- a. Undertake initial enquiries / gather basic information in accordance with appropriate guidelines provided and referred to in this protocol;
- b. Refer to Children's Social Care, and where appropriate, the Police and the Forced Marriage Unit.

10.2.2 It is the role of the Health professional to identify and refer any concerns for investigation by statutory services, such as Children's Services and the Police.

## **11. THE ROLE AND RESPONSIBILITY OF THE FORCED MARRIAGE UNIT**

### **11.1 Advice**

11.1.1 The Forced Marriage Unit of the Foreign and Commonwealth Office may offer confidential advice to children and young people facing, or already in, a forced marriage.

### **11.2 Action and Support**

11.2.1 The Forced Marriage Unit can support Children's Social Care and the Police, especially where there is an overseas element, by:

- a. Co-ordinating with Embassies and British High Commissions;
- b. Accessing overseas non-governmental organisations;
- c. Accessing Police services;
- d. Providing consular protection;
- e. Providing support and advice in regards to existing support and statutory networks in the UK.

**11.2.2 The Forced Marriage Unit must ALWAYS be engaged where a child or young person has been taken overseas.**

**12. THE ROLE AND RESPONSIBILITY OF OTHER STATUTORY (AND NON-STATUTORY) AGENCIES**

**12.1 Overview**

12.1.1 All statutory agencies are expected to proactively engage and/or refer a child or young person who may be, or has already been, a victim of forced marriage.

12.1.2 In accordance with the “once chance” rule, this will require initial engagement/information gathering, or at least a referral to allow Children’s Social Care, the Police and the Forced Marriage Unit to act quickly, and potentially save a life.

12.1.3 See the flowcharts concerning the referral and assessment process for more information (Appendix B).

**12.2 Initial Engagement and Referrals**

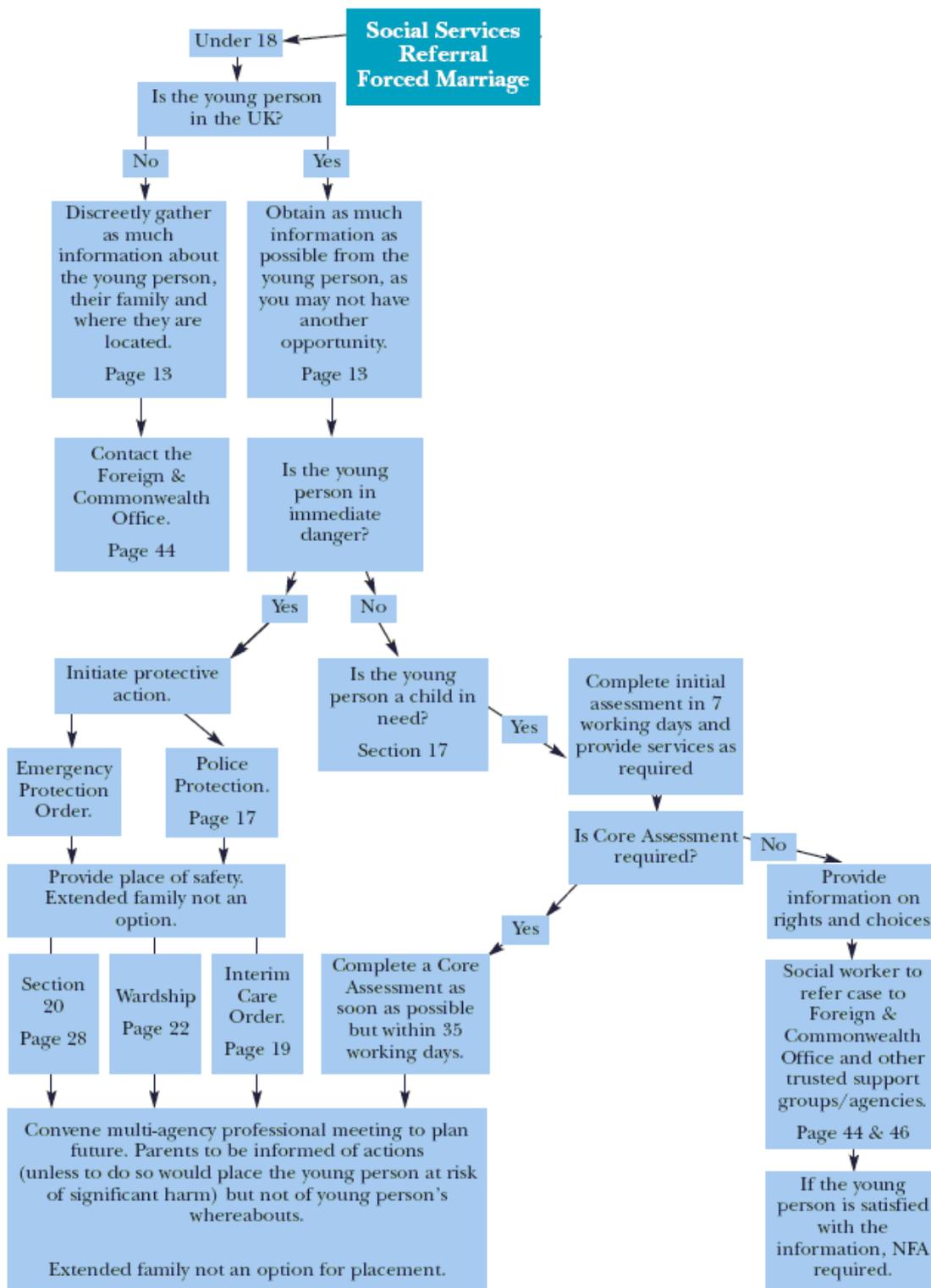
12.2.1 Where a child or young person is suspected or has been identified as facing a forced marriage, in accordance with the “once chance” rule, education professionals will:

- a. Undertake initial enquiries / gather basic information in accordance with appropriate guidelines provided and referred to in this protocol;
- b. Refer to Children’s Social Care, and where appropriate the Police and the Forced Marriage Unit;

12.2.2 It is the role of the all concerned professionals and persons to identify and refer any concerns for investigation by statutory services, such as Children’s Services and the Police.

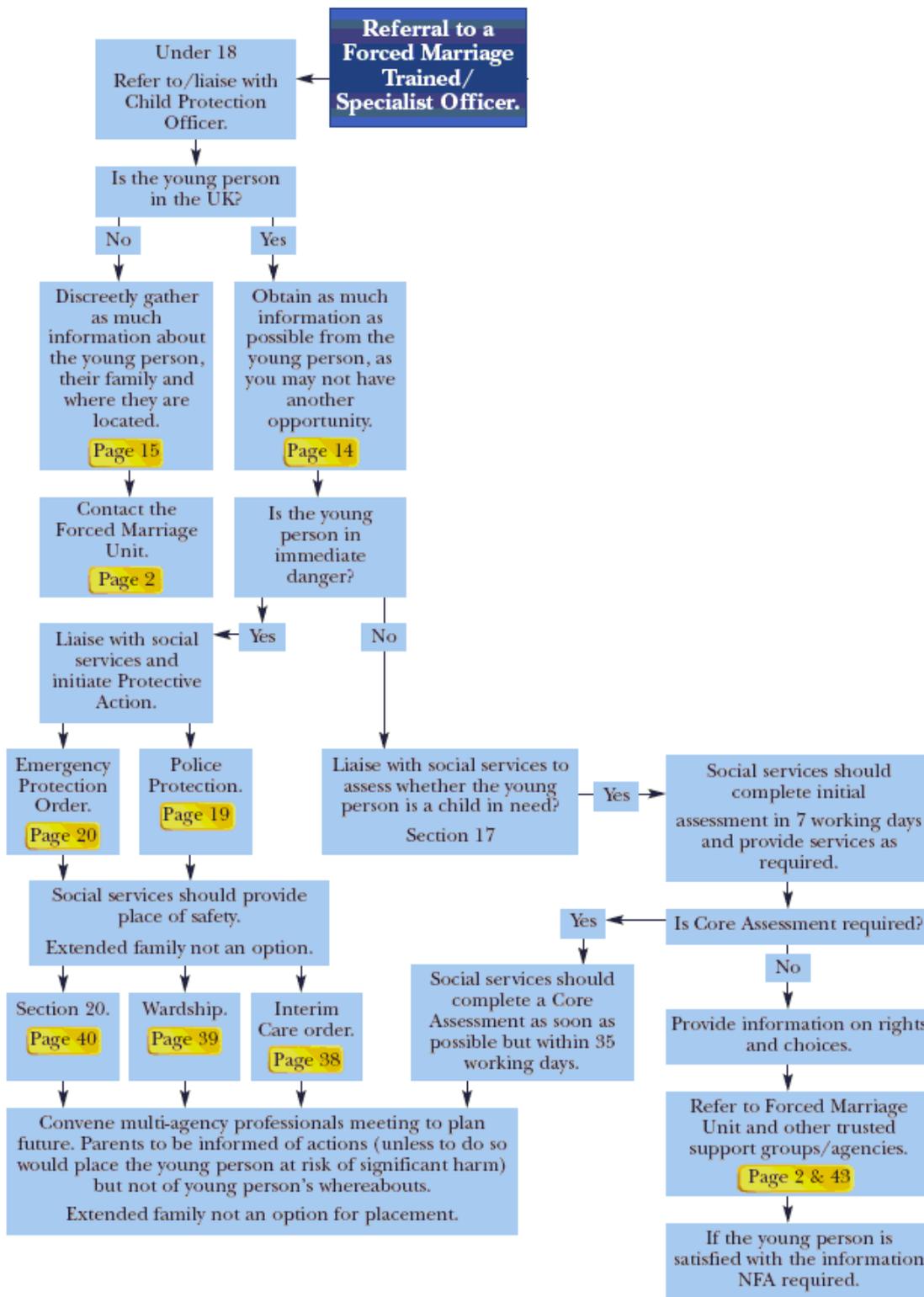
**A. APPENDIX A: ACTION FLOWCHARTS FOR CHILDREN’S SOCIAL CARE, POLICE & HEALTH**

**A1. Process Flowchart for Children’s Social Care**



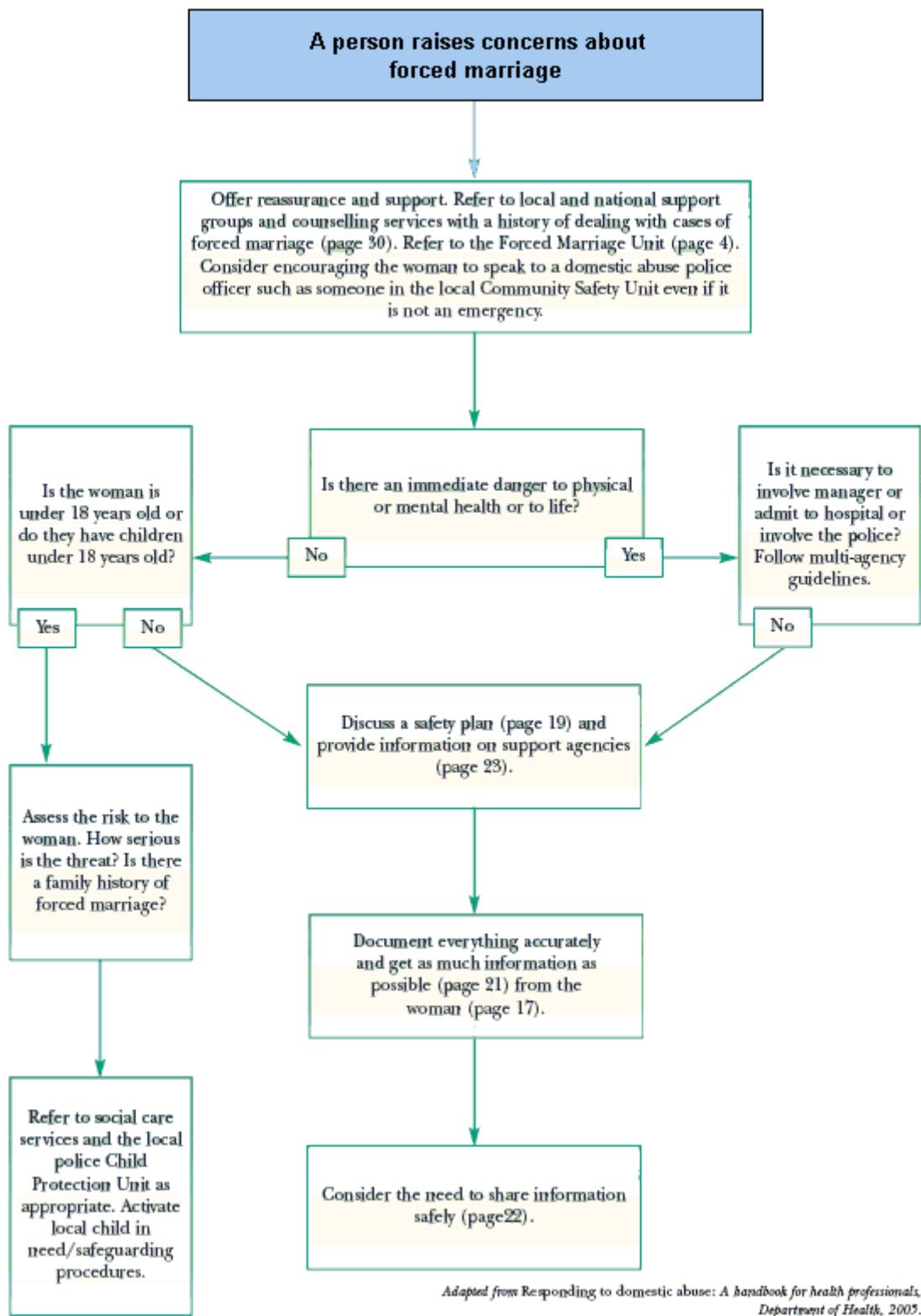
**Note:** Page numbers refer to those contained in *Young People and Vulnerable Adults Facing Forced Marriage: Practice Guidance for Social Workers (HM Government)*.

**A2. Process Flowchart for the Police**



**Note:** Page numbers refer to those contained in *Dealing with Cases of Forced Marriage: Guidance for Police Officers (HM Government 2005)*.

**A3. Process Flowchart for Health**

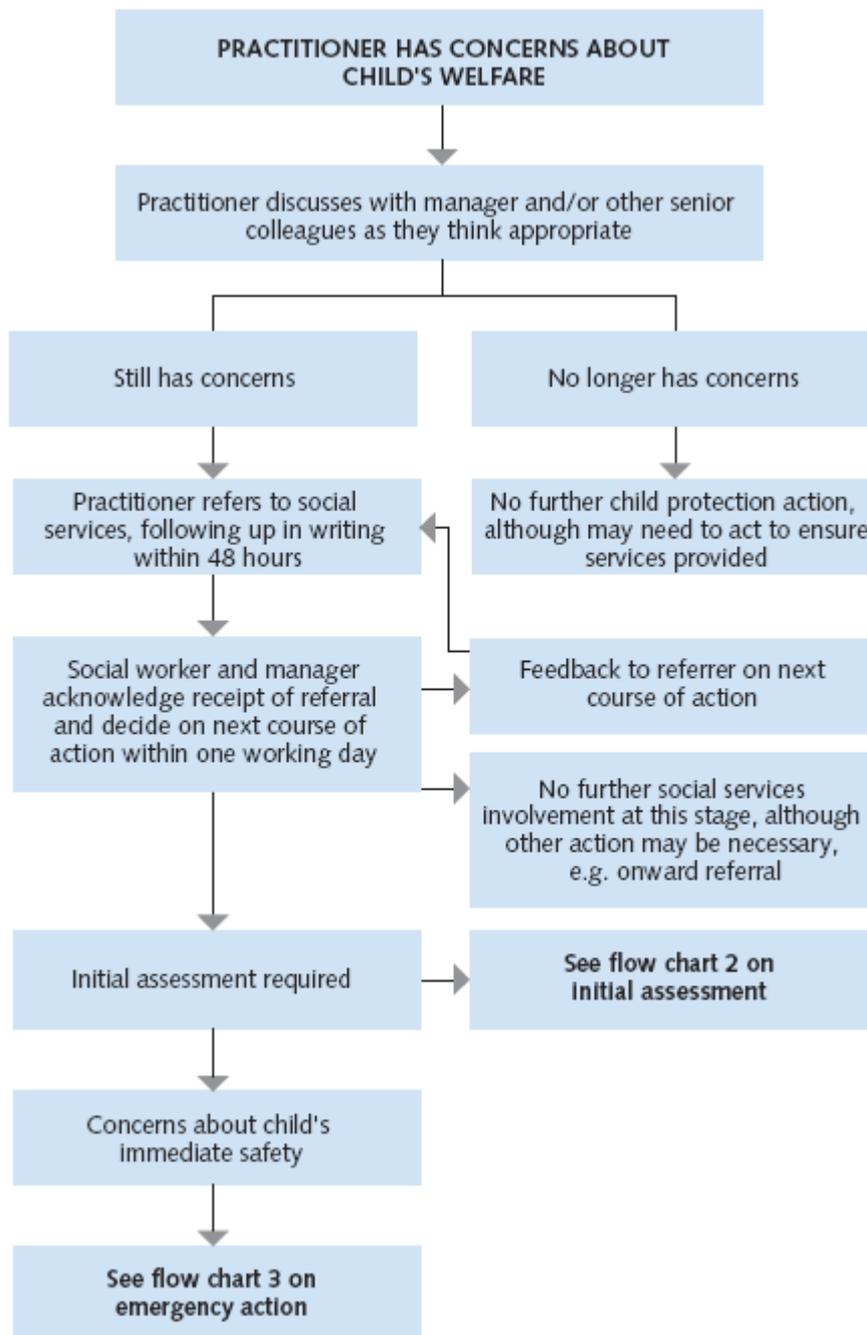


*Adapted from Responding to domestic abuse: A handbook for health professionals, Department of Health, 2005.*

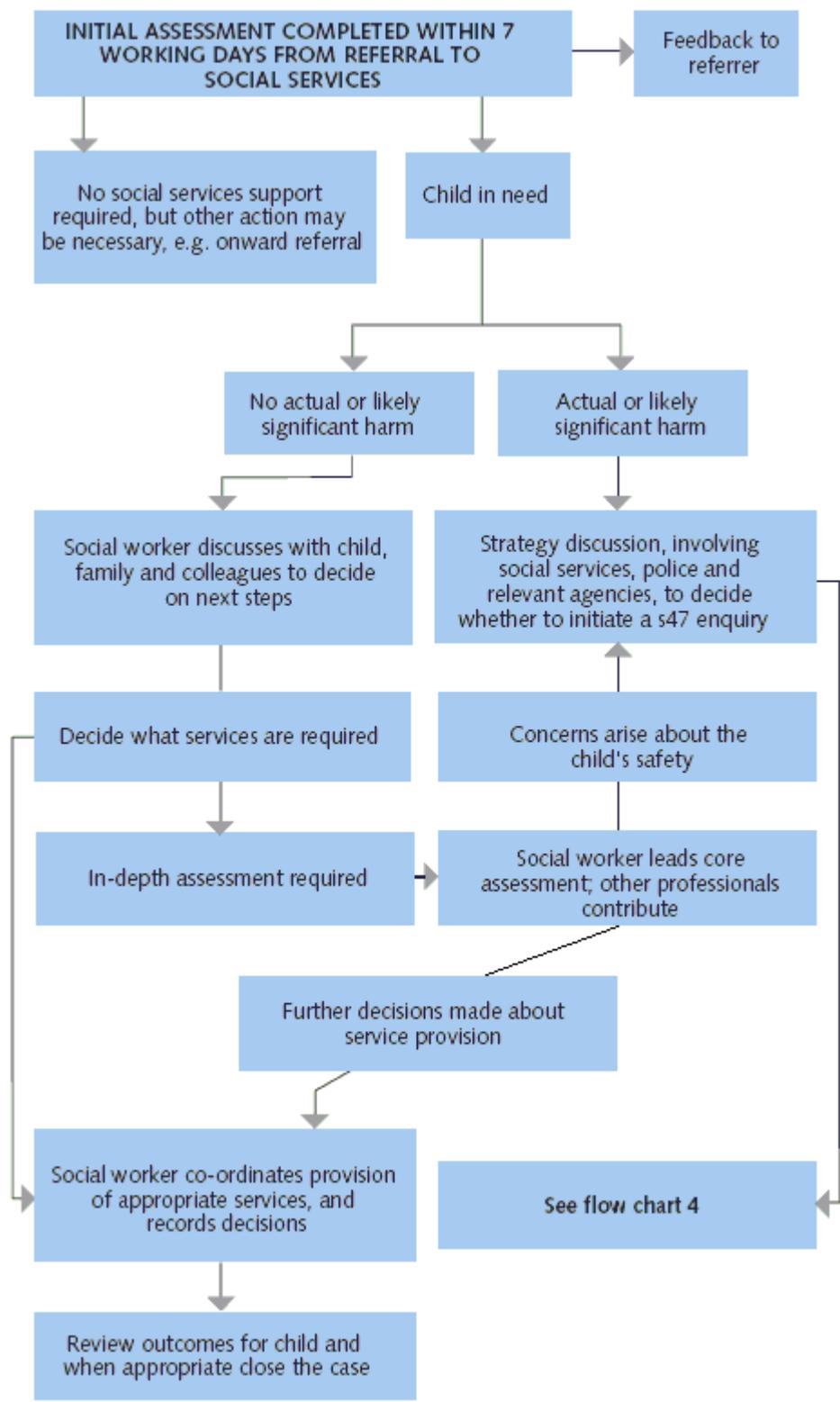
**Note:** Page numbers refer to those contained in *Dealing with Cases of Forced Marriage: Practice Guidance for Health Professionals (HM Government 2005)*.

**B. REFERRAL AND ASSESSMENT PROCESS FLOWCHARTS**

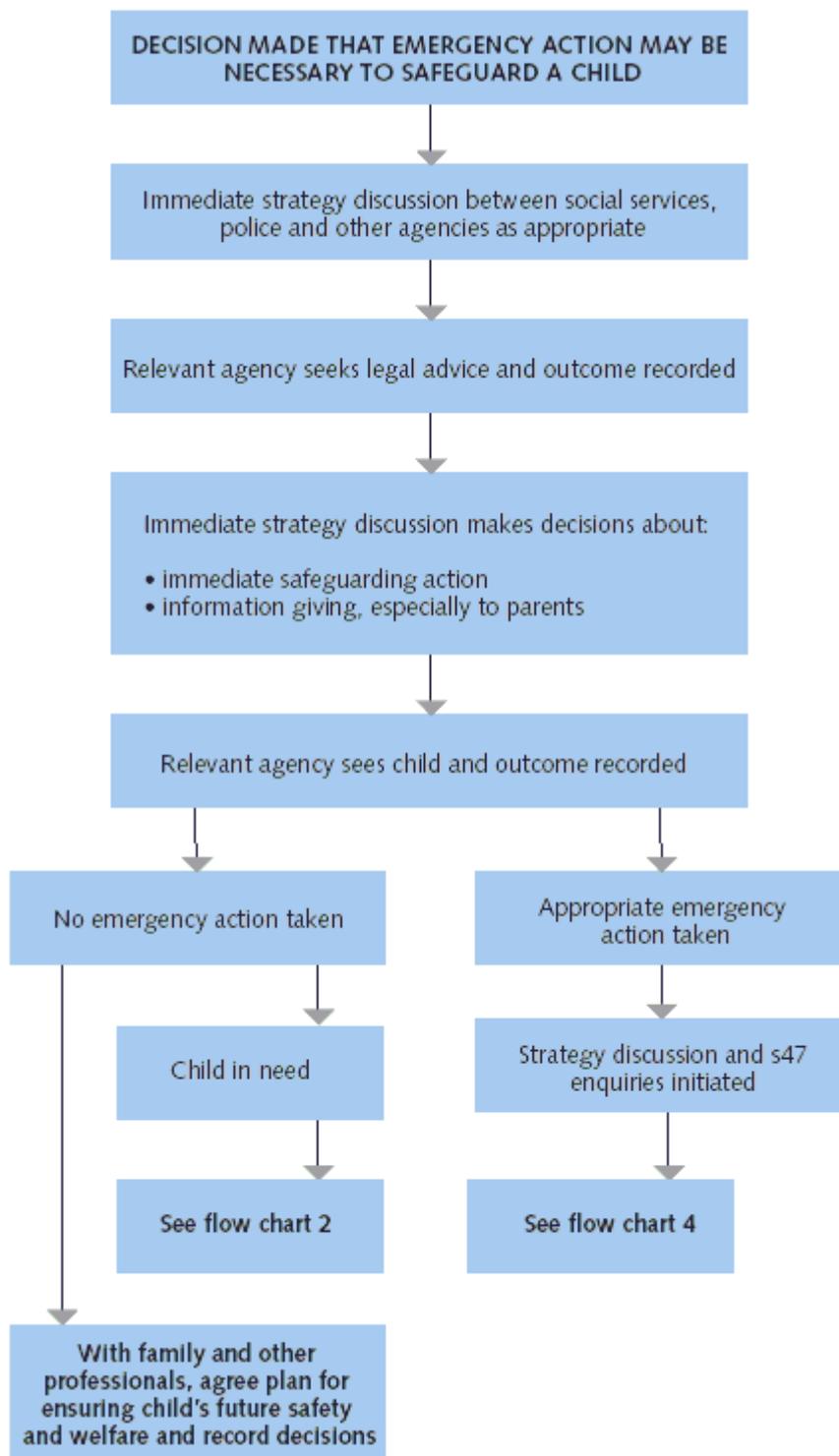
**B1. Referral Flowchart**



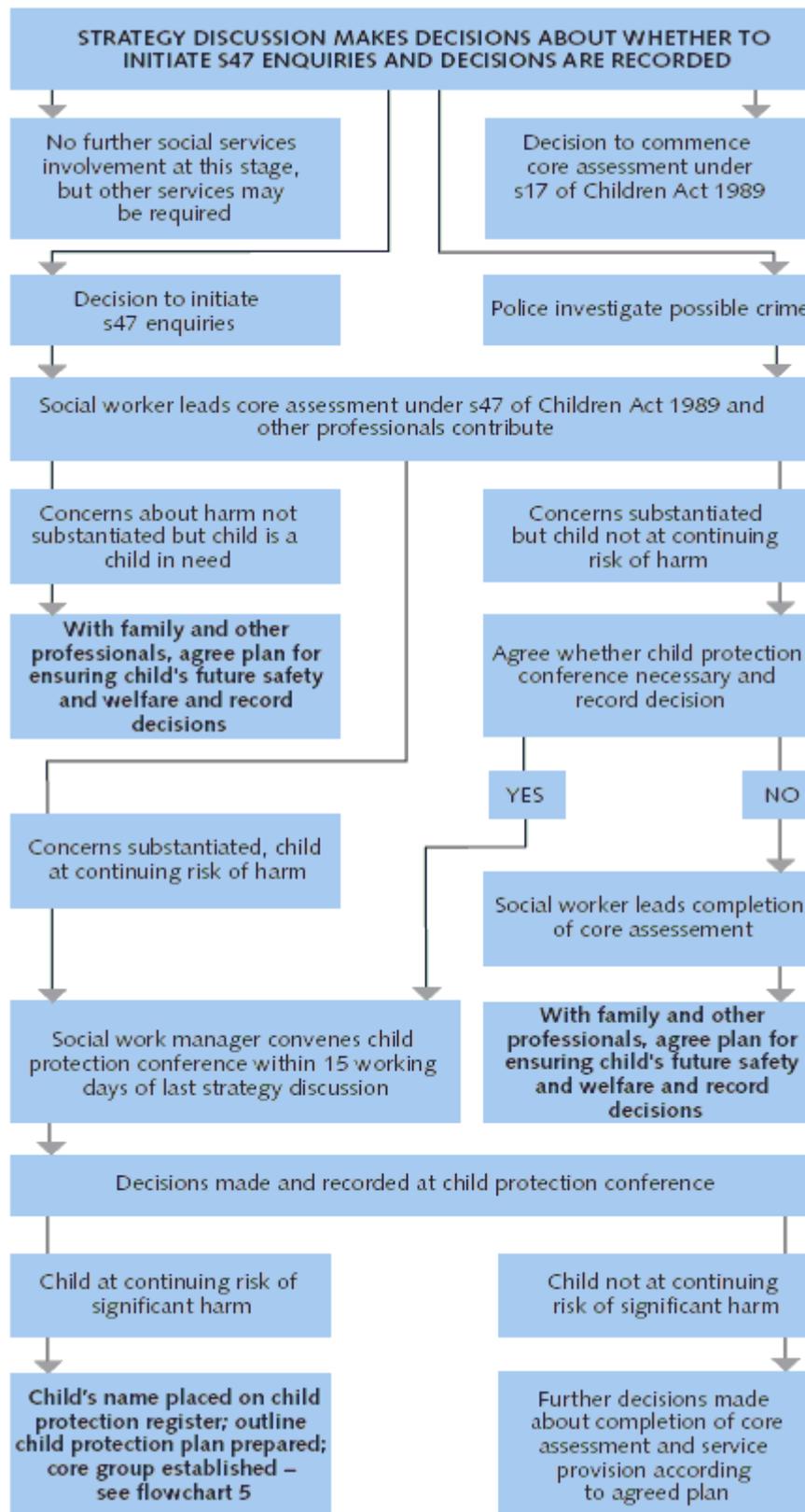
**B2. Initial Assessment Flowchart**



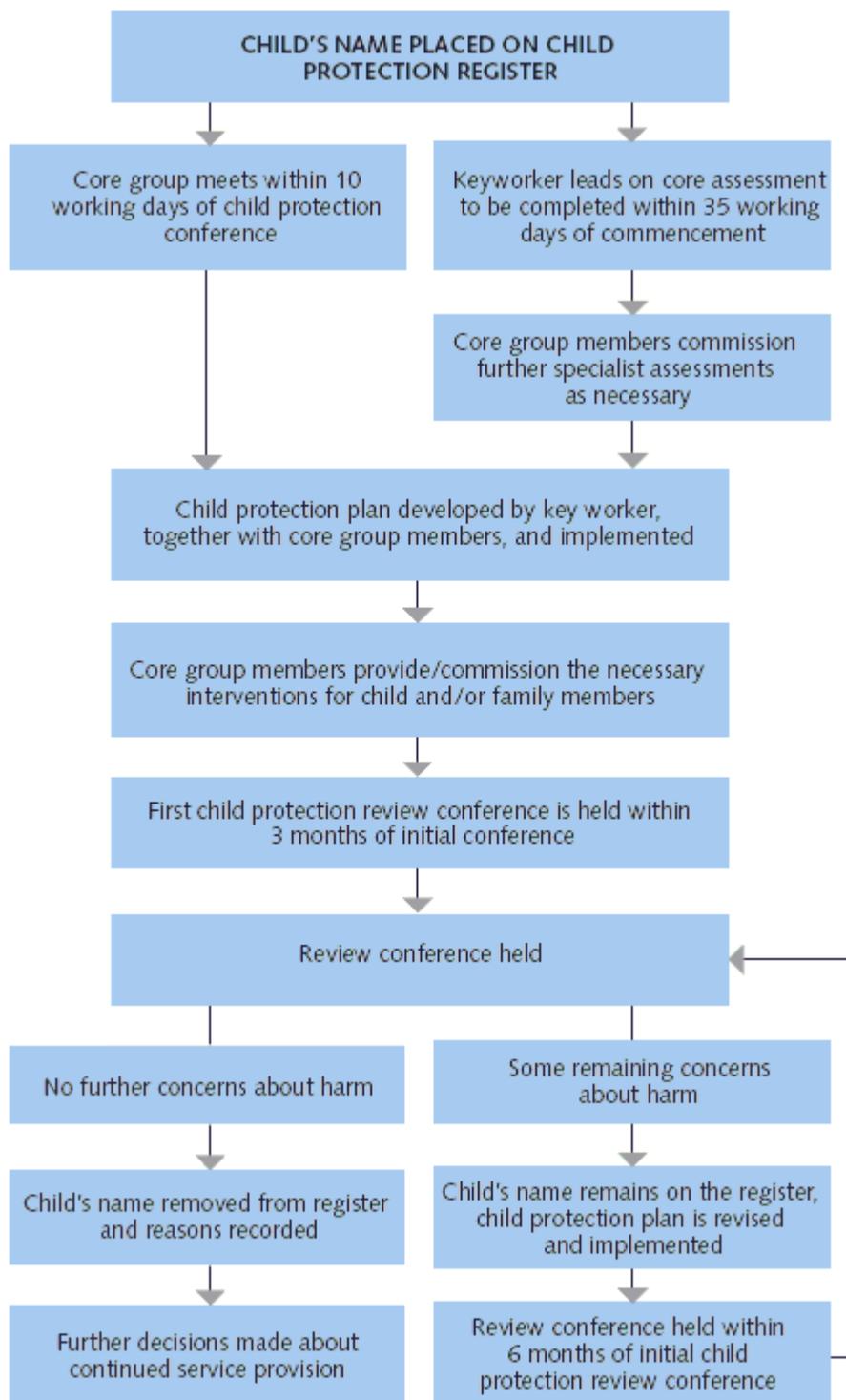
### B3. Urgent Action to Safeguard Children Flowchart



**B4. What Happens After a Strategy Discussion Flowchart**



**B5. What happens After the Child Protection Conference**



**C. USEFUL CONTACT DETAILS****C1. Enfield Children & Families Social Care Intake & Assessment Team**

Duty: 0208 379 2507

Fax: 0208 375 2595

**C2. Children's Services Emergency Assessment**

Emergency Duty Team: 0208 379 4445

**C3. Forced Marriage Unit (Foreign and Commonwealth Office)**

During Office Hours (9am-5pm): 0207 008 0151

Outside Office Hours: 0207 008 1500

E-mail address: [fm@fco.gov.uk](mailto:fm@fco.gov.uk)Website address: [www.fco.gov.uk/forcedmarriage](http://www.fco.gov.uk/forcedmarriage)**D. DEFINITIONS****D1. Child, Children and Young People**

As defined in the Children Act 1989 and 2004, 'child' means a person who has not reached their 18<sup>th</sup> Birthday. This includes young people aged 16 and 17 who are living independently; their status and entitlement to services and protection under the Children Act 1989 is not altered by the fact they are living independently.

**D2. Child in Need**

Children who are defined as being "in need" under section 17 of the Children Act 1989, are those whose vulnerability is such that they are unlikely to reach or maintain a satisfactory level of health or development, or their health or development will be significantly impaired without the provision of services, plus those who are disabled. Local Authorities have a duty to safeguard and promote the welfare of children in need.

**D3. Child Abuse and Neglect**

The categories of maltreatment used are as set out in the document *Working Together to Safeguard Children* (2006). These are:

- a. Physical Abuse
- b. Sexual Abuse
- c. Emotional Abuse
- d. Neglect

**D4. Safeguarding**

According to the Crown website [www.SafeguardingChildren.org.uk](http://www.SafeguardingChildren.org.uk), the Government has defined the term 'safeguarding children' as:

**'The process of protecting children from abuse or neglect, preventing impairment of their health and development, and ensuring they are growing up in circumstances consistent with the provision of safe and effective care that enables children to have optimum life chances and enter adulthood successfully.'**

**D5. Child Protection**

The process of protecting individual children identified as either suffering, or at risk of suffering, significant harm as a result of abuse or neglect.

**E. RELEVANT LEGISLATION**

- E1. Children Act 1989
- E2. Children Act 2004
- E3. Education Act 2002
- E4. Matrimonial Causes Act 1973
- E5. Forced Marriage (Civil Protection) Act 2007
- E6. Sexual Offences Act 1967
- E7. Sexual Offences Act 2003
- E8. Mental Capacity Act 2005
- E9. Data Protection Act 1998
- E10. Child Abduction and Custody Act 1985
- E11. Children and Young Persons Act 1969
- E12. Police and Criminal Evidence Act 1984

**F. FURTHER GUIDANCE**

- F1.** It is strongly recommended that *The Right to Choose: multi-agency statutory guidance for dealing with forced marriage* (HM Government, 2008) be consulted for further elaboration on the issues listed below.
- F2. Existing Multi-Agency Guidance Concerning Children and Young People:**
- a. Working together to Safeguard Children (HM Government 2006);
  - b. Safeguarding Children Working Together under the Children Act 2004;
  - c. What To Do If You're Worried a Child is Being Abused (HM Government 2006);
  - d. Statutory Guidance on making arrangements to safeguard and promote the welfare of children under section 11 of the Children Act 2004 (HM Government 2004)
  - e. Safeguarding Disabled Children: A Resource for Local Safeguarding Children Board (Council for Disabled Children 2006);
  - f. Information Sharing: Practitioner's Guide (DCSF, April 2006)
  - g. Statutory Guidance regarding the duty on local authorities in England to identify children not receiving education (DCSF 2008);
  - h. Children Act 1989 Guidance and regulations Volume 1 Court Orders (2008).
- F3. Existing Guidance for Statutory Agencies on Forced Marriage:**
- a. **Education:** Dealing with Cases of Forced Marriage: Guidance for Education Professionals (HM Government 2005);
  - b. **Police:** Dealing with Cases of Forced Marriage: Guidance for Police Officers (HM Government 2005);
  - c. **Health:** Dealing with Cases of Forced Marriage: Practice Guidance for Health Professionals (HM Government 2005);
  - d. **Social Care:** Young People and Vulnerable Adults Facing Forced Marriage: Practice Guidance for Social Workers (HM Government);

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<sup>1</sup> *The Right to Choose: multi-agency statutory guidance for dealing with forced marriage* (HM Government, 2008)

<sup>2</sup> The Marriage Act 1949 and the Matrimonial Causes Act 1973

<sup>3</sup> *The Right to Choose: multi-agency statutory guidance for dealing with forced marriage* (HM Government, 2008)

<sup>4</sup> *The Right to Choose: multi-agency statutory guidance for dealing with forced marriage* (HM Government, 2008)

<sup>5</sup> *London Child Protection Procedures, p173* (London Safeguarding Board, 3<sup>rd</sup> edition, 2007)

<sup>6</sup> *London Child Protection Procedures, p173* (London Safeguarding Board, 3<sup>rd</sup> edition, 2007)