

SHEFFIELD FORCED MARRIAGE AND HONOUR BASED ABUSE PROTOCOL

A guide for professionals



Sheffield Domestic Abuse Co-ordination Team

Sheffield Safer and Sustainable Communities Partnership

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THE SHEFFIELD FORCED MARRIAGE AND HONOUR BASED ABUSE PATHWAY

The professional:
 1. spots the signs of FM / HBA (Section 2.3)
 2. hears a disclosure of FM / HBA

1. THINK ONE CHANCE RULE (Section 1.10)
2. If possible, involve the safeguarding lead/ Domestic Abuse Champion/MARAC Rep in your agency to help you or lead on the process. However, if this is not possible, continue to follow the process.
3. Find a safe and private place with the victim. If required, use an interpreter that is not a family member or known to the individual.
4. Collect as much essential and desirable information as possible using the checklist (Section 2.5).
5. Understand what the victim wants, do you have consent? If not, what is your legal basis for overriding lack of consent? Reassure them that their family will not be contacted. Where possible respect their wishes, (Section 1.11).
6. Advise them of their options, the support they will receive and/ or expect, and their rights, including the right to legal advice and representation. If appropriate, provide them with the Forced Marriage Handbook For Victims <https://www.gov.uk/government/publications/survivors>.

Is the risk imminent? Phone South Yorkshire Police on 999 (Section 3.4)

Has a crime been committed? Does the person want police protection? Considering a Forced Marriage Protection Order? Contact the Protecting Vulnerable People’s Unit via 101 (Section 3.4)

Child
(NB consider dependents / siblings)

Refer to the Children’s Safeguarding Hub
(Section 3.1)
0114 273 4855

Adult with no care and support needs

Adult with care and support needs

Refer to the Adult First Contact Team (Section 3.2)
0114 273 4908

Aged 16 or over? Complete DASH risk assessment
<http://sheffielddact.org.uk/domestic-abuse/resources/marac-information-and-forms/>
 Provide safety advice and agree a safety plan.
 Telephone Sheffield Helpline, 0808 808 2241 if you need professional advice to complete a DASH and/or help with safety advice (Section 3.8).

High risk? Refer to MARAC and IDVA service
Marac.sheffield@idas.cjsm.net
Medium or standard risk? Ask for consent to refer to IDAS for domestic abuse support services
www.idas.org.uk
 If consent is not given signpost to the Sheffield Domestic Abuse helpline 0808 808 2241 or Forced Marriage Unit

Is the person to be taken abroad? Advise them not to travel overseas and complete additional actions (Section 2.6). Contact the Forced Marriage Unit on 020 700 80151 who can advise further and answer specifics.

Is there a housing / accommodation concern?
 Refer or help the person to contact a manager in Housing Solutions (Section 3.6) – Howden House or phone 0114 273 6306 or out of hours 0800 731 1689.

Complete agency specific actions - health, education, police, adult and children’s social care, housing (Section 3).

Record full details of the decisions made and the reason for those decisions. Keep all information secure.

For quick reference, professionals should follow the Sheffield Forced Marriage and Honour Based Abuse process found on page 2.

The full guide provides professionals with greater detail on working with cases of Forced Marriage and Honour Based Abuse.

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SECTION 1 – INTRODUCTION TO FORCED MARRIAGE AND HONOUR BASED ABUSE

1.1 Introduction

Forced Marriage is illegal.

Forced Marriage can be a form of Honour Based Abuse.

Forced Marriage and Honour Based Abuse are forms of domestic abuse.

Professionals should ensure that all cases of Forced Marriage and Honour Based Abuse (HBA) are tackled using existing structures, policies and procedures designed to safeguard children, adults with support needs and victims of domestic abuse as stated in the government multi agency guidance.¹

The 2019 version of this protocol has been updated to include:

- New legislation that makes Forced Marriage ILLEGAL
- Revisions to the statutory Multi-agency practice guidelines: handling cases of Forced Marriage²
- Revisions to the statutory Right to Choose: Multi-agency statutory guidance for dealing with forced marriage³.

This protocol explains:

- The definition of Forced Marriage and HBA;
- Why it happens and who may be a victim;
- The legal position;
- How to identify victims and respond to disclosure;
- Actions to take by all agencies / professionals;
- Agency specific actions

A multi-agency approach is required in all cases.

1.2 Definitions

1.2.1 Forced Marriage - is a marriage conducted without the valid consent of one or both parties; where some element of coercion and/or other forms of violence are present. It includes marriage where one or both parties do not have capacity to consent under the Mental Capacity Act 2005.

Forced Marriage is illegal. It is different to an arranged marriage. Why trying to understand the different you may want to ask the person '*what would have happened if you had said no?*' to help clarify if forced or arranged.

1.2.2 Arranged Marriage – is when the families of both parties take a leading role in arranging the marriage but the choice and consent for the marriage remains with both prospective spouses. Many victims don't know they had a choice. A child marriage is also a forced marriage.

Forced Marriage is an abuse of a person's human rights, violating individual freedom and autonomy, as per the United Nations' Declaration of Human Rights:

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

² Ibid.

³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322310/HMG_Statutory_Guidance_publication_180614_Final.pdf

Professionals should understand that:

- Many young people grow up expecting their parents to choose or select their marriage partner for them, they may not realise they have a fundamental human right to choose their spouse and consent to marriage.
- Whatever justification/s are given by the perpetrators (usually by the parents), it does not justify denying their children their human right to choose their own intimate partner.
- Some parents may not understand that what they are doing is wrong, or others may be knowingly forcing their child to marry the person they have chosen for them.

1.2.3 Honour Based Abuse

There is no statutory definition of HBA; The Crime Prosecution Service and The Home Office adopt the following definition:

*"Honour-based" violence (abuse) is a crime or incident which has or may have been committed to protect or defend the honour of the family and/or community."*⁴

Examples of behaviour/ lifestyle that could be perceived to be damaging honour may include but are not limited to:

- Defying parental authority;
- Becoming overly westernised in style (e.g. clothing, make up, behaviour, attitudes, etc.);
- Having sex/relationships/pregnancies outside of marriage;
- Using drugs, alcohol, cigarettes;
- Gossip – family honour can be damaged by unfounded or untrue gossip or rumours;
- Interfaith or intercommunity relationships;
- Leaving a spouse or seeking divorce.
- Being LGBT+.
- Reporting to the police

Acts of punishments are used to redeem the damaged 'honour', or reputation known in some communities as 'izzat' (in South East Asia). The need to defend a family's honour is used by perpetrators to excuse the abuse.

Abuse may be perpetrated to keep the victim in an abusive relationship by their parents and siblings.

Religion, culture and tradition are not the cause of Forced Marriage, they are the excuses. HBA is not an act that is required or condoned by religion. Every major faith group, including Islam, Sikhism, Hinduism and Christianity, condemns Forced Marriage.

1.3 Risk factors and motivations

Factors that increase the risk of a person being a victim of forced marriage include:

- Bereavement within a family – occasionally, when a parent dies, the remaining parent may feel an urgency to ensure the children are married.
- When a step-parent moves in with the family.
- When they are living in a single parent household.
- When an older child refuses to marry, a younger child may be forced into the marriage as a replacement bride or groom to protect the family 'honour or fulfil the original contract.
- When a disclosure of sexual abuse is made – the parents may feel the marriage will restore the family 'honour' or stop the abuse.
- If a young person has disclosed, they are LGBT+ - the parents may feel marriage can 'cure' their child or hide to others that their child is LGBT+.

⁴ <https://www.cps.gov.uk/legal-guidance/honour-based-violence-and-forced-marriage>

- When a person wants to marry of their own choosing i.e. 'love marriage', this may prompt a pre-planned forced marriage (which may not be known to the victim).

Perpetrators may be motivated to use HBA to:-

- Prevent "unsuitable" relationships, e.g. outside the ethnic, cultural, religious or caste group e.g. Stop their children becoming too 'westernised'.
- Respond to peer group or family pressure;
- Attempt to strengthen family links;
- Achieve financial gain;
- Ensure land, property and wealth remain within the family;
- Protect perceived cultural ideals;
- Protect perceived religious ideals (which are misguided);
- Ensure care for a child or adult with special needs, when parents/carers are unable to fulfil that role;
- Assist claims for UK residence and citizenship;
- Fulfil long-standing family commitments.
- To assist immigration into the UK of a spouse.
- Fulfil their duty to marry their child. This is also expected from the community/culture and failure to do this can bring shame to the family.
- Maintain an extended family bond, as the child can/may be promised to a nephew or niece.
- Keep land and property in the family.

1.4 Forms of abuse

There are many forms of HBA and often perpetrators use multiple forms. Abuse may include:-

- Forced marriage;
- Rape;
- Acid attacks;
- Mutilation;
- Imprisonment;
- Assault;
- Threats to kill;
- Blackmail;
- Emotional abuse (being ostracised, threats);
- Surveillance;
- Harassment;
- Forced termination of pregnancy;
- Isolation;
- Loss of independence – exerting control over work, education, lifestyle and social life;
- Stalking;
- Abduction;
- 'Honour' based killing or forced suicide. Where this occurs a Domestic Homicide Review⁵ may be required, as per statutory duty;
- Female Genital Mutilation;
- Kidnap;
- Assault;
- Murder.

Be aware of coercive and controlling behaviour. This is often the key to HBA.

⁵ <http://www.homeoffice.gov.uk/crime/violence-against-women-girls/domestic-violence/domestic-homicide-reviews/>

Domestic abuse

When HBA and Forced Marriage are perpetrated by family members, *it is a form of child abuse and domestic abuse* as per the government definition shown below *and should be treated as such*'.

Government definition of domestic abuse

"Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- psychological
- physical
- sexual
- financial
- emotional

Controlling behaviour is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.

The Government definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group."

1.5 Impact on the victim

Internalisation of guilt or shame by the victim can cause significant distress, and not wanting to cause further shame can result in self-harm and suicide attempts.

Research undertaken by SafeLives has found that:-

- On average HBA⁶ victims suffer for 5 years before approaching services;
- 68% are at risk of homicide⁷ or serious harm;
- Victims are often abused by several perpetrators (e.g. extended family members);
- A quarter have No Recourse to Public Funds;
- A quarter require an interpreter;
- 43% are likely to be still in the relationship with a perpetrator;
- Victims are in contact with services: in the last 12 months 57% had attended a GP and 19% had attended A&E.

When a person discloses to a professional that they are at risk of / are a victim of HBA it is likely that this is a huge decision. They may never have been in this position before and may feel 'torn' between wanting to leave the family situation, whilst still being emotionally attached to those they are considering leaving behind, perhaps indefinitely. Professionals need to **act**. See the 'One Chance' rule - Section 1.10 and follow the local process on page 2.

⁶ Safe Lives Spotlight, (2017) *Your Choice: 'honour'-based violence, forced marriage and domestic abuse* <http://www.safelives.org.uk/node/1228>

⁷ On average 12 HBA homicides occur per annum the UK.

1.6 Who can be affected?

- **Anyone can be affected – females and males, although it is a gendered crime** (75% female, 17% male⁸).
- Research in 2009 estimated there were between 5,000 to 8,000 reported cases of forced marriage in England (not including ‘hidden’ victims who have not come forward). This includes cases where the person is already in a forced marriage and those who are at risk of being forced into a marriage⁹.
- In 2018 a total of 1,174 cases were reported to the Forced Marriage Unit¹⁰.
- One third involved an under 18-years-old and two thirds an over 18-years-old.
- Forced marriage is not a problem specific to one country or culture. Over 175 countries are reported as being related to a case to the FMU, however some countries are more affected than others; 44% relate to Pakistan, with Bangladesh, India and Somalia and Afghanistan involved in 3-9% of cases each.
- Around 10% of cases were solely UK and had no overseas element.
- 10% of victims live in Yorkshire and Humber.
- 0.6% of cases had an individual identify as Lesbian Gay Bisexual or Trans gender (LGBT).
- 5% reported a learning disability. Men are more likely to be a victim of forced marriage if they have a disability (38% of cases where victims had a learning disability were male compared to 17% of total cases).
- 56% of FMU cases involve a UK resident and are pre-marriage and 22% are post marriage and now in UK.
- In 2018 a total of 17 Forced Marriage Protection Orders were secured for victims in Sheffield¹¹.

1.7 Legislation

The Anti-Social Behaviour, Crime and Policing Act 2014, Section 121 made Forced Marriage illegal in England and Wales:

1. A person commits an offence in England and Wales if he or she¹²–
 - (a) Uses violence, threats or any other form of coercion for the purpose of causing another person to enter into the marriage, and
 - (b) Believes, or ought to reasonably believe, that the conduct may cause the other person to enter into the marriage without free and full consent.
2. In relation to a victim who lacks capacity to consent to marriage, the offence under subsection (1) is capable of being committed by any conduct carried out for the purpose of causing the victim to enter into a marriage (whether or not the conduct amounts to violence, threats or any other form of coercion).
3. A person commits an offence under the law of England and Wales if he or she– practices any form of deception with the intention of causing another person to leave the United Kingdom, and intends the other person to be subjected to conduct outside the UK that is an offence under subsection (1) or would be an offence under that subsection if the victim were in England and Wales.

The maximum penalty in a criminal court for Forced Marriage offences is seven years imprisonment. Forced Marriage convictions, however, are low, with only four in 2018/19¹³, however the number of FMPOs have increased.

Other legislation¹⁴ can be used to charge perpetrators - including fear or provocation of violence, common assault, actual and grievous bodily harm, harassment, common assault, kidnap, abduction, theft (of passport), threats to kill,

⁸ Forced Marriage Unit Statistics 2018. The gender is not known in 8% of cases.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804044/Forced_Marriage_Unit_Statistics_2018_FINAL.pdf

⁹ Kazimirski K, Keogh P, Kumari V, Smith R, Gowland S, Purdon S & Khanum N, (2009) *Forced Marriage:- Prevalence and Service Response*, National Centre for Social Research. <http://www.natcen.ac.uk/our-research/research/forced-marriage/>

¹⁰ *Forced Marriage Unit Statistics 2018*

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/804044/Forced_Marriage_Unit_Statistics_2018_FINAL.pdf

¹¹ Information provided by South Yorkshire Police, October 2019

¹² Home Office (2014) *Multi-agency practice guidelines: Handling cases of Forced Marriage*

¹³ The Crown Prosecution Service(2019) *Violence Against Women and Girls Report 2018–19*,

<https://www.cps.gov.uk/sites/default/files/documents/publications/cps-vawg-report-2019.pdf>

¹⁴ Including **Harassment Act (PHA) (1997)** – protects victims from harassment and putting them in fear of violence an offence. The PHA covers both criminal and civil offences.

rape, sexual assault, false imprisonment and murder. Coercive controlling behaviour legislation should always be considered in HBA.

1.8 Forced Marriage Protection Orders (FMPOs)

The **Forced Marriage (Civil Protection) Act 2007** enables the courts to make Forced Marriage Protection Orders. It is a broad preventative tool and the risk of forced marriage **does not have to be imminent** for a court to grant one.

What does a FMPO do?

It can...

- Prevent or pre-empt forced marriage from occurring; thereby preventing rapes upon marriage;
- Protect those who have already been forced into marriage;
- Include restrictions or requirements to protect a victim from a spouse, family member or anyone involved;
- Relate to conduct either within or outside of England and Wales;
- Be used alongside wardship in cases involving children.

Who can apply?

Applications for an FMPO can be made direct to the court by:-

- The police;
- A 'relevant third party' e.g. Local Authority¹⁵ (the LA does not require leave of court);
- The person seeking protection;
- A relative;
- A friend.

How do I apply?

Professionals from multiple agencies can work together to complete the application, however the Police or 'relevant third party' i.e. Local Authority should act as the lead agency for the purposes of the application.

The process varies by local authority. The lead agency for leading or supporting the application for an FMPO in Sheffield is as follows (the process flow is found on the next page):-

Victim or person at risk is aged under 18

Sheffield Children's Social Care will lead. This includes cases where there is one child, a group of siblings who are all aged under 18 and where there is a group of siblings at risk including over 18s.

Victim or person at risk is aged 18 and over

If the individual is prepared to accept support from IDAS, IDAS will undertake the work to link the victim to a solicitor and support them with the process working in partnership with the police to keep the victim safe. Contact IDAS on 0808 808 2241.

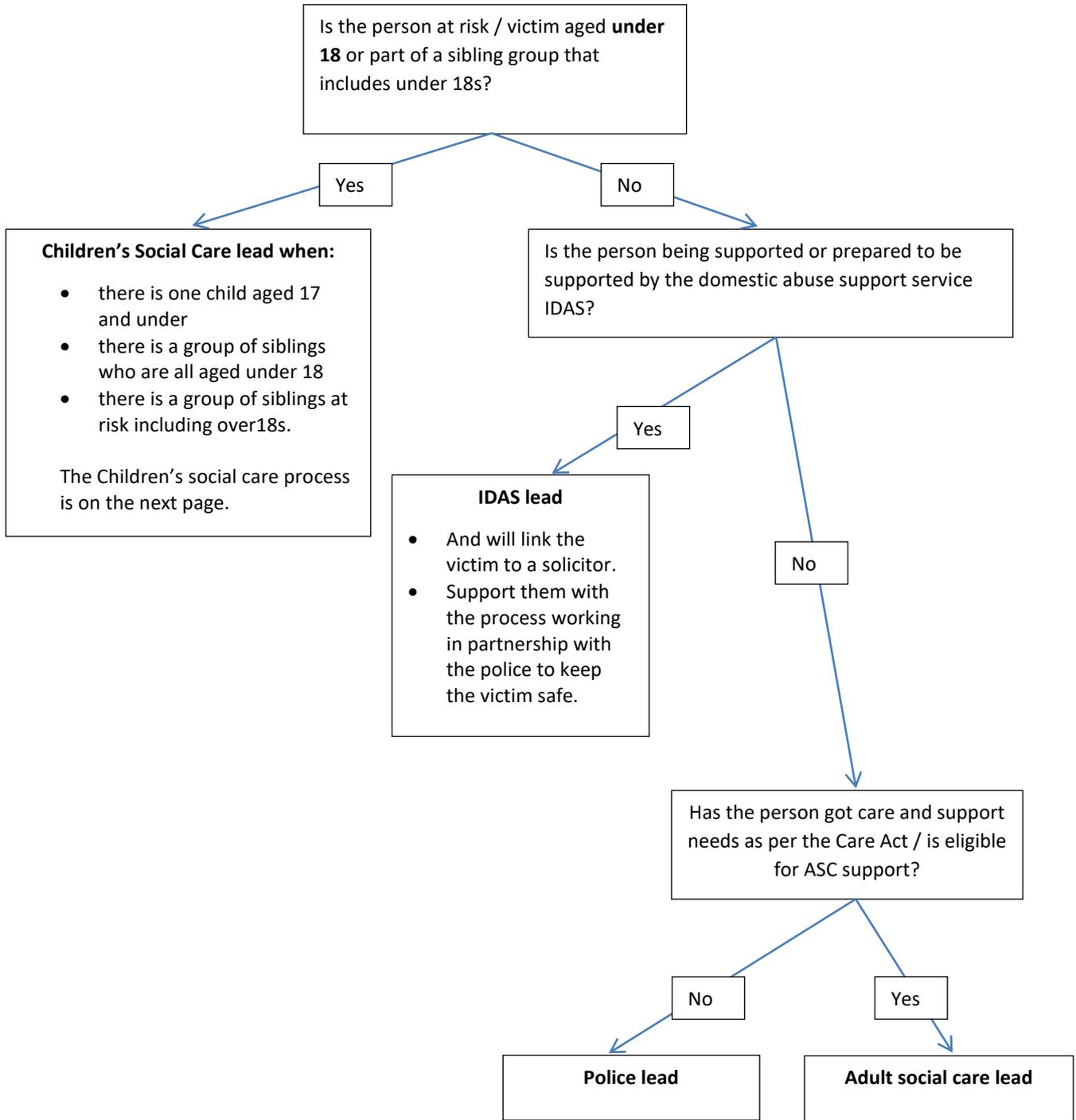
If the individual is not prepared to work with IDAS:

- SYP will lead, if the victim does not have care and support needs, as outlined in The Care Act / is not eligible for ASC support
- ASC will lead where the victim does have care and support needs as outlined in the Care Act.

The professional should refer to SYP or ASC as appropriate. The lead agency will then contact you so you can advise on the content of the FMPO application form.

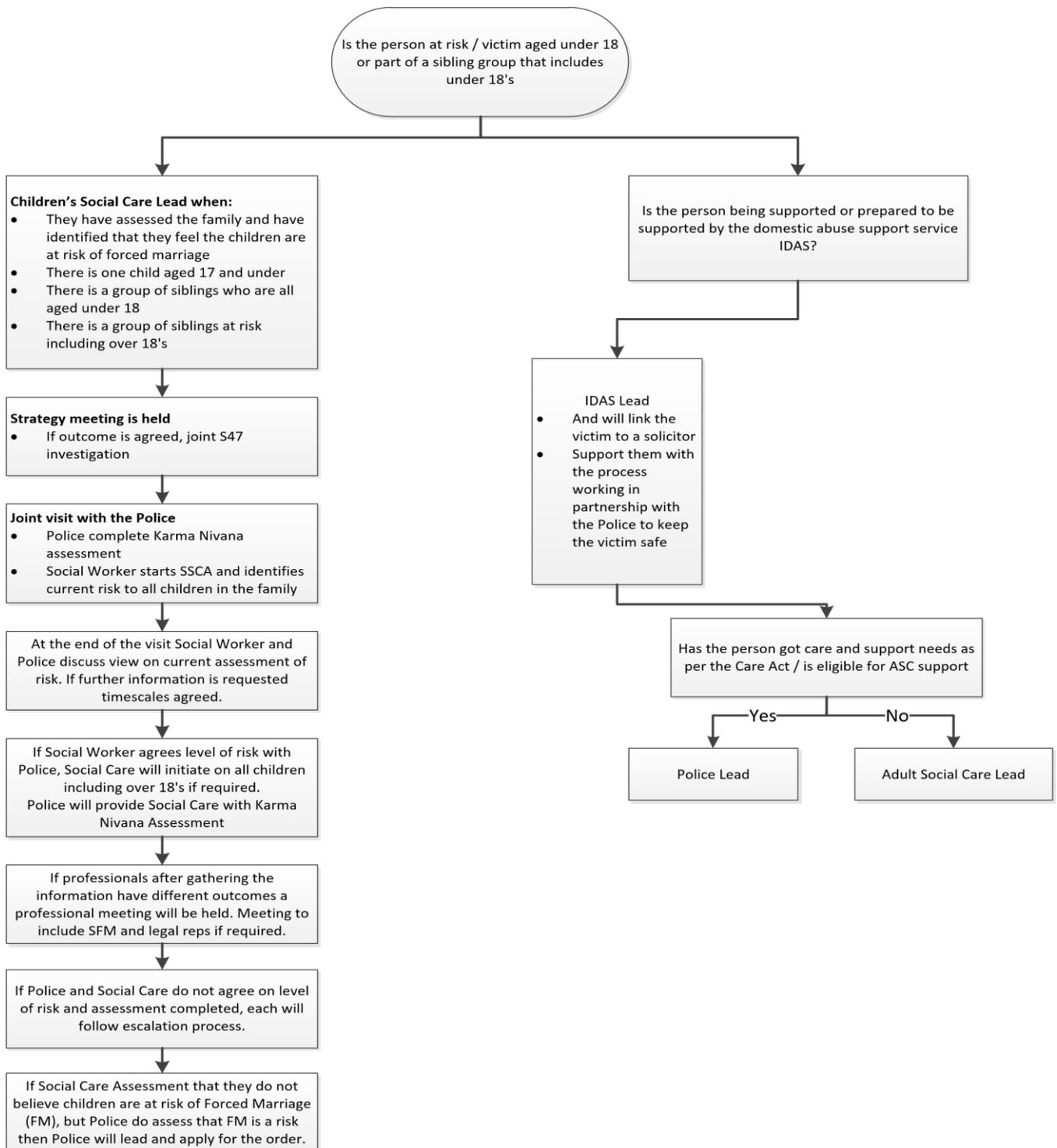
¹⁵ A 'relevant third party' for the purposes of the application is a person or organisation that can make an application on behalf of another without the leave of Court. Local Authorities have been specified as relevant third parties.

Process flow to show which agency leads the FMPO application process



Children's Social Care Forced Marriage Protection Order Process

A forced marriage is where one or both people do not or cannot consent to the marriage and pressure or abuse is used to force them into the marriage. Forced marriage is illegal in the UK. It is a form of domestic abuse and a serious abuse of human rights.



https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/879929/What_Is_Forced_Marriage_leaflet.pdf

FMPO Application form

The FMPO Application form can be found at

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/688190/fl430-eng.pdf.

The professional completing the application provide the court with enough information to aid an informed decision. Where possible, include the following: -

1. Your connection with the person to be protected.
2. The reasons for the application / knowledge of the circumstances of the person to be protected. Where possible provide the following: -
 - what are the risks and why is the order necessary;
 - the person's history and current situation;
 - if the person is married or not;
 - if they are a UK national or on a spousal visa;
 - if they have mental capacity;
 - their age;
 - The support that agencies have put in place – particularly to help them flee and what safety planning has been completed;
 - the names of the perpetrator(s) who need to be named in the order– this may include family members as well as the spouse;
 - list the crimes that have been committed;
 - **What the order should be for** e.g. the perpetrator can't contact the person, can't threaten or harass them, even if they see them in the street, that the person can't be taken abroad to be forced into a marriage, that the perpetrator hands person's passport and travel documents to the court.
3. The wishes and feelings of the person to be protected in the short and longer term.

Additional factors to consider

For a FMPO for an adult, consent is not required if it is being obtained in the interests of a victim's health, safety and wellbeing.

Consent for a FMPO is not required a child.

Always consider younger siblings of the victim, as they may become a replacement bride / groom.

Applications for Forced Marriage Protection Orders in South Yorkshire are heard in the Sheffield Family Court. However, if the person to be protected is a British national who is outside the jurisdiction of the UK (abroad) then applications will be heard at the High Court in London. The court must consider all the circumstances in deciding whether to grant the order.

Need further assistance?

- Written guidance can be found at <https://www.gov.uk/apply-forced-marriage-protection-order>
- As a first point of call, contact the local South Yorkshire Police PVP team for advice.
- You can also contact the Forced Marriage Unit to discuss the application process, what to include in an order and case specifics (020 7008 0151).

1.9 The Forced Marriage Unit (FMU)

Contact the FMU when you are unsure how to work with an individual if they are abroad. The unit provides advice and support:

- to frontline staff to help them safeguard children and protect adults from Forced Marriage

- direct to victims

Forced Marriage Unit

fm@fco.gov.uk

Monday to Friday, 9am to 5pm

Telephone: 020 7008 0151

From overseas: +44 (0)20 7008 0151

Out of hours: 020 7008 1500 (and ask for the Global Response Centre)

1.10 'One Chance' rule

What is the 'one chance' rule?

It is a **big decision** for the victim to share their fears with a professional or other person. Therefore, in these cases we talk about the one chance rule i.e. there may only be one chance to intervene.

You may only have **one chance** to speak to the victim and **one chance** to save a life.

Don't waste the opportunity to offer support and provide safety advice. Experience has shown that families governed by a code of honour do kill their relatives for what may seem as a trivial transgression; therefore it is imperative to act.

1.11 Information governance

Professionals should adhere to all local information governance processes.

1.11.1 Confidentiality

Confidentiality and taking care around information sharing are extremely important in cases of Forced Marriage and HBA and shared on a need to know basis. You need to understand when information should be shared with appropriate authorities. HBA cases are always heard in a closed MARAC.

You must - Record the file as HBA/ FM and ensure the file is closed to those who do not need access, making it only accessible to named individuals in your service.

Agencies need to work together to support victims. There is a need to share information between services whilst keeping the confidence of the individuals.

You must only share information on a need to know basis.

You must NOT - share information with family members, neighbours, Imams or members of the community. You may be pressured to share because of the status of a person in society; e.g. their MP, the family may give a plausible excuse i.e. a relative is very sick and wants to see the victim before they die. If in doubt, talk to your line manager / police.

Remember a breach of confidentiality may lead to serious harm or the death of a victim.

1.11.2 Consent

All professionals should consider gaining the consent of the person at risk before making referrals or sharing information however:

- A non-consenting person can have their decision overridden if they do not have capacity or if they are at serious risk of harm or death (e.g. domestic abuse risk assessment is high risk). FMPO's can be obtained in the health needs or wellbeing of the victim.

- If the person is not at serious risk of harm or death and has not consented, then they should be provided with useful contacts – Appendix 1.
- If the person at risk is aged under 18 and it would increase risk to seek consent from them or their parent / carer then refer to the Safeguarding Hub explaining why you have not sought consent. In most cases the risk is likely to be from the family members therefore seeking consent will not be appropriate.

1.11.3 Mental Capacity

Does the person have capacity to consent?

As a worker you need to know if the person has the mental capacity to consent. Individuals with learning disabilities are more likely to be at risk of HBA. Work within your organisation's protocols on working with individuals who do not have mental capacity. Consider the following -

- Arrange for an appropriate person to be their advocate / representative. This should not be a family member.
- If they refuse to have an advocate / representative and you are convinced it is essential in their best interests follow safeguarding procedures and contact the Children's or Adults Safeguarding team at Sheffield City Council.

1.11.4 Public Interest Tests

When should you share information based on public interest? – *'Personal information may, be disclosed in the public interest, without patients' consent, and in exceptional cases where patients have withheld consent, if the benefits to an individual or to society of the disclosure outweigh both the public and the patient's interest in keeping the information confidential'*. A legal basis for sharing this information is required.

If you feel sharing is required for the public's interest, you must complete the following

- Complete a public interest test, which gives a legal basis for sharing.
- Get approval from your organisation's legal team/representative.
- Liaise with the other statutory organisations involved with the case (e.g. police, social care, health) to ensure the legal argument meets with their approval and it is a shared agreement.

For full details on public interest tests and information sharing see page 28 of the national guidance

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

SECTION 2 – ACTIONS AND RESPONSIBILITIES FOR ALL PROFESSIONALS

2.1 List of responsibilities for all professionals

All professionals have the following responsibilities:

1. To look out for the signs of abuse – see Section 2.3;
2. Remember the one chance rule – see Section 1.10;
3. Follow the process – see page 2;
4. Start (and where possible) complete the essential and desirable information – see Section 2.4;
5. Safeguard and respond to risk, in accordance with statutory duties and local safeguarding processes.

2.2 Actions professionals should not do following a disclosure

Do not...

- Send them away or back to the family home
- Approach or contact members of the family or the community
- Attempt to mediate
- Use interpreters from the same community or family
- Share information from any strategy meetings or MARAC discussions without discussion with and the agreement of partners at those meetings and the expressed consent of the victim.
- Share information without consent unless there are safeguarding concerns for a child or vulnerable adult or there is risk of serious harm or homicide (MARAC referral).

Remember

Cases of HBA and forced marriage may not fit with some of the principles of working with children and families, as they may, inadvertently, place the victim at greater risk of harm. This includes the principle that the best place for a child or young person is with his/her family. It also includes the practice of attempting to resolve cases through family mediation, counselling, arbitration or reconciliation.

Refer to the **process flow** at the front of the protocol, which explains the actions to be taken in all cases.

2.3 Potential indicators of Honour Based Violence and/or Forced Marriage¹⁶

The list below shows the following signs and possible indicators of forced marriage to look out for.

Possible Indicators of Forced Marriage

These indicators are not intended to be an exhaustive list

Family History

- Siblings forced to marry
- Early marriage of siblings
- Self harm or suicide of sibling/s
- Death of parent/s
- Family disputes
- Running away from home
- Unreasonable restrictions e.g. kept at home by parents ('house arrest') & financial restrictions

Employment

- Poor attendance
- Poor performance
- Limited career choices
- Not allowed to work
- Unable to attend business trips or functions
- Subject to financial control e.g. confiscation of wages / income
- Unable to be flexible in their working arrangements

Police

- Victim or other siblings within the family reported missing
- Reports of domestic abuse, harassment or breaches of the peace at the family home
- Female genital mutilation
- The victim reported for offences e.g. shoplifting or substance misuse
- Threats to kill and attempts to kill or harm
- Reports of other offences such as rape or kidnap
- Acid attacks

Health

- Accompanied to doctors or clinics
- Self – harm
- Attempted suicide
- Acid attacks
- Eating disorders
- Depression
- Isolation
- Substance misuse
- Early / Unwanted pregnancy
- Female genital mutilation
- Frequent visits to A&E with non – specific signs
- Somatisation of symptoms such as abdominal pain, migraines
- Removal from a day centre of a person with a physical or intellectual disability

Education

- Absence and persistent absence
- Request for extended leave of absence and failure to return from visits to country of origin
- Surveillance by siblings or cousins in school
- Decline in behaviour, engagement performance or punctuality
- Poor exam results
- Being withdrawn from school by those with parental responsibility
- Not allowed to attend extra-curricular activities
- Sudden announcement of engagement to a stranger
- Prevented from going on to further / higher education
- Poor exam results
- Fear about forthcoming school holidays

¹⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf
page 14.

2.4 The essential and desirable information

The list contains all the essential and desirable information required when talking to a victim / potential victim of FM / HBV. Professionals should...

- Collect as much information as possible.
- Use your agency's usual recording processes e.g. input into your case management system.
- Keep the information collected secure and strictly confidential, restricted to named members of staff only.
- Use more than one occasion to complete the information, if required.
- Be mindful that incomplete information does not stop you from progressing with making the necessary referrals, where risk and statutory duty dictate.

Professionals may find it useful to print off the checklist and use as a working document to record what information has been collected.

Checklist for information to be collected on all cases of Forced Marriage and HBA	Completed?
ESSENTIAL information	
Date of report	
Name of person under threat	
Nationality	
Age	
Date and place of birth	
Passport details	
School details	
Employment details	
Full details of the allegation	
Name and address of parents or those with parental responsibility	
National Insurance number	
NHS 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.	
DESIRABLE	
Obtain 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 etc.	
Record any injuries and arrange a medical investigation.	
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?)	
Establish if there are any other family members at risk of forced marriage or if there is a family history of forced marriage and abuse.	
IF THE PERSON AT RISK IS GOING OVERSEAS IMMINENTLY	
Take a photocopy of their passport for retention purposes.	
Where possible, encourage the individual to keep details of their passport number, including the place and date of issue.	

Gather as much information as possible about the family – ensure this is gathered discreetly and needs to include - Full name and date of birth of the person under threat - Father’s and/or Mother’s name - Address where they may be staying overseas –	
Potential spouse’s name (if known)	
Date of the proposed wedding (if known)	
Name of the potential spouse’s father (if known) - Addresses of the extended family in the UK and overseas.	
Information that only they would be aware of (if the victim is a British national, this may assist any subsequent interview at an Embassy/British High Commission in case another person of the same age and gender is produced pretending to be them).	
Details of any travel plans and people likely to accompany them.	
Names and addresses of any close relatives remaining in the UK.	
Safe means by which to contact them e.g. a mobile phone.	
Details of the third party in order to maintain contact in case the person contacts them whilst overseas or on their return. Estimated return date. Ask that they contact you without fail on their return.	
Written statement by the person explaining that they want the police, adult or children's social care, a teacher or a third party to act on their behalf if they do not return by a certain date.	

SAVE THE INFORMATION IN ACCORDANCE WITH YOUR LOCAL PROCESSES AND SAFEGUARDING CHILDREN AND ADULT PROTECTION POLICIES AND PROCEDURES.

ADVISE THE INDIVIDUAL AND PROVIDE THEM WITH DETAILS OF THE TRAINED SPECIALISTS YOU HAVE REFERRED THEM TO.

SHARE AND REFER IN ACCORDANCE TO THIS PROTOCOL.

2.5 Additional actions to take if the victim is being taken overseas

<u>Check list</u>	<u>Completed?</u>
Advise them not to travel overseas. Discuss the difficulties they may face.	
Give them the contact details of the department and practitioner handling their case.	
Encourage them to memorise at least one telephone number and e-mail address, preferably (if they are a British national) those of the British Embassy or British High Commission	
Supply the address and contact number for the nearest British Embassy or High Commission.	
Encourage the person to get in touch with the FMU and give them the FMU contact details.	
Discuss how they may want to conceal a metal item when traveling – as a way of highlighting to airport security staff to their plight.	

Remember:

- If the family are approached, they may deny that the person is being forced to marry, move them, expedite any travel arrangements and bring forward the forced marriage.
- Report details of the case, with full family history, to the Public Protect Unit and inform the FMU.
- The person may be a dual national and have two passports or if they are under 18 years, they may be listed on their parents’ foreign passport.

A dual national is when a person has a passport for two countries. When the individual is in the country of their other nationality (not Britain), the authorities in that country will not recognise that the British Embassy or high Commission has any right to assist them or permit any assistance to be given.

However, where the Foreign and Commonwealth Office considers there is a special humanitarian reason to do so, it will consider helping dual nationals in the country of their other nationality.

SECTION 3 – AGENCY SPECIFIC ROLES

This section explains:

- the role of each individual agency and provides links / references to their local processes;
- how and when to refer to an agency.

It is important when working on cases of Forced Marriage and HBV that **all agencies work together, using a multi-agency approach**. This is particularly imperative when key decisions are made i.e. sharing information, making strategic decisions.

3.1 The role of Children's Social Care

A statutory responsibility to refer

Where there is an allegation of forced marriage / HBA it is a statutory duty to refer to Children's Social Care and Children's Social Care has a statutory duty to investigate allegations of abuse¹⁷ and complete a Section 47 investigation.

Referrers to Children's Social Care should follow the Sheffield Safeguarding guidance

https://sheffieldscb.proceduresonline.com/chapters/p_making_refer.html#making

Full information about the work of Sheffield Safeguarding Children Partnership is available at

<https://www.safeguardingsheffieldchildren.org/sscb>

The Safeguarding Team will follow the local safeguarding procedures

<https://sheffieldscb.proceduresonline.com/index.htm>

Full details of all actions to be taken by Children's Social Care are found on page 45 of the *Multi-agency practice guidelines: handling cases of Forced Marriage*¹⁸.

3.2 The role of Adult Services

Statutory responsibilities

- It is a statutory duty under The Care Act (2014)¹⁹ to refer to Adult Safeguarding if the person meets the 'three point test'.

The 'three point test' safeguarding duties apply to an adult who meet the following:-

1. Has needs for care and support (whether or not the local authority is meeting any of those needs).
2. Is experiencing, or at risk of, abuse or neglect.
3. As a result of those care and support needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

- Adult Safeguarding has a statutory duty to investigate allegations of abuse.

All referrals to the Sheffield Safeguarding Adults team will follow the procedures found at ²⁰

<https://www.sheffieldasp.org.uk/sasp>

¹⁷ <http://www.fco.gov.uk/resources/en/pdf/3849543/forced-marriage-guidelines09.pdf>

¹⁸

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

¹⁹ <http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

²⁰ <https://www.sheffield.gov.uk/caresupport/policy/abuse/adultabusepolicy.html>

Full details of all actions to be taken are found on page 54 of the *Multi-agency practice guidelines: handling cases of Forced Marriage*²¹.

3.3 Adults who fall outside of the safeguarding procedures

This may apply to around two thirds of all victims. All victims who have contacted a service for assistance are likely to be at crisis point, and in need of support. Not all adults will 'fit' the adult safeguarding criteria, however the worker should ensure the person is given the right advice and supported through to a place of safety.

In all circumstances, consider protective orders with the police (where a victim has consented or where risk is imminent).

3.4 The role of the police

Contact the police when there is imminent risk, a crime has been committed and/or when the person gives their consent.

Agencies should refer in accordance with Safeguarding procedures, by making a referral direct to the Protecting Vulnerable People's Team, contact 101.

Where the case is of an urgent nature, and is outside office hours, the report should be made to South Yorkshire Police switchboard and the call operator informed that the log should be marked as a Forced Marriage or "honour" Based Violence case.

Officers and staff should be aware that a victim who has contacted police for assistance is likely to be at crisis point and should therefore ensure that incidents are dealt with sensitively, safely and effectively.

Police responsibilities include -

- protecting victims;
- investigating any crime associated;
- assisting in the prosecution of any crimes associated with forcing someone to marry;
- support witnesses.

South Yorkshire Police should adhere to their Force Procedures on Forced Marriage and HBA.

Full details of all actions page 37 of the *Multi-agency practice guidelines: handling cases of Forced Marriage*²².

3.5 The role of health professionals

There are many ways that a victim can come to attention of health services including:

- Accident & Emergency Departments, rape crisis centres or genito-urinary clinics with injuries consistent of rape or other forms of violence
- Dental surgeries with facial injuries consistent with domestic abuse
- Mental health services, counselling services, school nurses, health visitors, A&E, GP with depression and self-harming behaviour (including anorexia, cutting, substance misuse or attempted suicide) as a result of forced marriage
- Family planning clinics and GP
- Maternity services

²¹ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

²² Ibid.

Health services should create an 'open' and supportive environment by:

- Displaying relevant information e.g. Sheffield Domestic Abuse Partnership helpline, National Domestic Violence Helpline, NSPCC, Child Line and appropriate black and minority ethnic women's groups (see appendix 5: useful contacts)
- Circulating and displaying copies of the FMU's leaflet on forced marriage
- Educating health professionals on domestic abuse.
- Attending free training provided by IDAS or contacting the health IDVA. Phone 0808 808 2241 or book training online at <https://courses.idas.org.uk/>

Look for signs of abuse, and if possible, create opportunities to see a woman on their own. They may not disclose immediately, and you may have to question them about family life and whether the woman faces restrictions at home e.g.

- How are things at home?
- Are you happy about your baby/ is your husband happy?
- Do you get out much?
- Can you choose what you want to do and when you want to do it such as seeing friends, working or maybe studying?
- Do you have friends and family locally who can provide support?
- Is your family supportive?

Follow your organisation's procedures – contact your safeguarding lead / team.

- Remember confidentiality and consent (Section 1.11), ask what the person wants to happen. Act and share information within legal guidelines and share where risk is high. If you do act, you must inform the victim.
- Within each organisation there is a named person with the lead for supporting staff around forced marriage issues who can also support contact with the FMU (a joint Home Office/Foreign and Commonwealth Office Unit).
- Accurate records must always be maintained; documenting what has been said and done.

Full details of all actions page 24 of the *Multi-agency practice guidelines: handling cases of Forced Marriage*²³.

3.6 The role of housing

The local housing authority has a duty to secure accommodation in accordance with homelessness legislation²⁴. Victims of HBA and Forced Marriage fall under a priority housing needs category the local housing processes should be followed.

The test to ascertain whether a person is vulnerable for the purpose of the homelessness legislation has been developed through case law and is set out in the Homelessness Code of Guidance for Local Authorities. Paragraph 10.13 of the code states "*the local authority should consider whether, when homeless, the applicant would be less able to fend for him/herself than an ordinary homeless person so that he or she would suffer injury or detriment, in circumstances where a less vulnerable person would be able to cope without harmful effects*".

Housing officers should provide a streamline service which includes signposting and/or referring to support services.

16 and 17 year olds – will be referred to the Young People's Pathway and offered a homelessness interview conducted jointly by Housing Solutions and Children's Services.

Over 18s - Housing Solutions will assess the individual under the homelessness legislation and an immediate appointment is provided when they present at the service.

²³ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

²⁴ Ibid. Legal position is outlined on pages 62 – 64.

If a person is not able to attend Howden House or it is not safe for them to do so, they can have an interview over the telephone or an interview can be arranged at an alternative venue.

Remember to be careful regarding the following:

- Individuals approaching housing services may never have lived on their own, or been in this position before and may feel 'torn' between wanting to leave the family situation, whilst emotionally attached to those they are leaving behind, perhaps indefinitely.
- Who you contact in order to obtain information about the person's previous housing history e.g. in some circumstances a family member may be the person's landlord.
- Requests from a third party e.g. a family friend, councillor, GP, MP, or those with influence within the community to request information from a local housing authority, using plausible reasons e.g. the illness of a close relative, and the third party may unwittingly think they are helping the victim. These requests are often made by telephone and rely on the person making the request persuading frontline staff in local housing authorities that they are authorised to receive information. If you are in any doubt about such a request, consult an experienced colleague or manager.

Working with other agencies

Housing Solutions can work with another agency to find the individual suitable safe accommodation rather than the person having to approach Housing Solutions directly. Always talk to the senior lead within an agency.

No Recourse to Public Funds

Some people's immigration status may mean that they have No Recourse to Public Funds. Victims of domestic abuse can apply for Indefinite Leave to Remain (ILR) if they meet the criteria set out in the Domestic Violence Provisions in the Immigration Rules. While their application is processed, they may be eligible for temporary access to public funds in order to enable them to pay housing costs and have funds for general living costs. With consent, consider referring the victim to support from IDAS (Domestic abuse service) to apply for NRPF application, DV Destitute concession²⁵.

Full details of all actions page 61 of the *Multi-agency practice guidelines: handling cases of Forced Marriage*²⁶.

3.7 The role of education – schools, colleges and universities

Safeguarding responsibility

It is a statutory duty of all schools (including independent schools and non-maintained special schools) and FE institutions to safeguard and promote the welfare of their pupils (students under 18 years of age in the case of FE institutions) (Working Together to Safeguard Children 2018, the Education Act 2002 and Children's Act 1989).

What can schools do?

- create and maintain a safe learning environment for children and young people;
- create an open and supportive environment;²⁷
- Have leaflets on FM / HBA, display details of the domestic abuse support service;
- deliver a curriculum that develops children's understanding of forced marriage, awareness and resilience – train teachers in FM / HBA/ Domestic abuse;
- Make a referral to the Sheffield Children's Safeguarding Hub (child 17 or under) or via the 24 hour number (0114) 273 4855 or the online enquiry form on the SCC website.

Follow the usual procedures to report when a student stops attending school

- Report to the Children Missing from Education (CME) team - 0114 273 6462 or via email ed-missingchildren@sheffield.gov.uk, as per the Sheffield CME Handbook.

²⁵ <https://www.gov.uk/government/publications/application-for-benefits-for-visa-holder-domestic-violence>

²⁶ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

²⁷ Working Together To Safeguard Children 2010

3.8 The role of domestic abuse support services

Follow **The Domestic Abuse Pathway** to find the right type of support <http://sheffielddact.org.uk/domestic-abuse/resources/pathways/>

IDAS is the Sheffield domestic abuse support service with professionals trained in dealing with FM and HBA who can:

- provide a range of support to all victims of all genders, ethnicities and nationalities to people aged 16 and above.
- represent the victim at MARAC (when high risk).
- help professionals to risk assess and provide professional advice via the **helpline 0808 808 2241** or webchat facility at www.idas.org.uk²⁹.
- Complete an assessment and work with individuals to create an individualised care plan and provide safety advice.

Sheffield Women's Aid is the specialist women's refuge in Sheffield.

To refer contact IDAS www.idas.org.uk to discuss or the Housing Support pathway at Howden House.

Email - housingadviceandoptions@sheffield.gov.uk

Telephone - 0114 273 6306

Ashiana – is a specialist Sheffield based service for BAMER women and girls.

<http://www.ashianasheffield.org/>

Telephone - 0114 255 5740

Email - info@ashianasheffield.org

Karma Nirvana – is a specialist national service supporting victims of HBA.

<https://karmanirvana.org.uk/>

Telephone - 0800 5999 247

Email - info@karmanirvana.org.uk

3.9 MARAC

Refer to MARAC using the DASH risk assessment and referral process <https://sheffielddact.org.uk/domestic-abuse/resources/marac-information-and-forms/>

MARAC will discuss all high-risk cases of Forced Marriage and HBA in a 'closed' MARAC setting.

All agencies are signed up to the MARAC Information Sharing Agreement (ISA) – to ensure information is only shared where necessary and legal to do so. Files are protected, information shared, and safety plans established.

²⁸ https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/322307/HMG_MULTI_AGENCY_PRACTICE_GUIDELINES_v1_180614_FINAL.pdf

²⁹ See www.idas.org.uk for operational times. At the time of writing the helpline is open 8-8pm Monday to Friday and 9-5pm Saturday, webchat Monday to Friday 4pm-6pm.

Appendix 1 – List of key contacts

Organisation	Contact details
Record the name of your organisation's FM / HBV safeguarding lead	
Forced Marriage Unit	fmf@fco.gov.uk
	Telephone: 020 7008 0151 (Monday to Friday, 9am to 5pm)
	From overseas: +44 (0)20 7008 0151
	Out of hours: 020 7008 1500 (and ask for the Global Response Centre)
South Yorkshire Police	Emergency 999 Non-emergency 101 and ask for the Protecting Vulnerable People's team The force lead (Nov 2019) is Martin Tate; Deputy force lead is Tom Bishop. Domestic Abuse Risk Assessor Manager – Suzanne Jackson 0114 2921816
Sheffield Children's social care - Safeguarding Hub	0114 273 4855 (24 hour number).
Adult Social Care	0114 273 4908
Sheffield Domestic Abuse Service (IDAS)	0800 808 2241 freephone helpline
	idas@sheffield.gov.uk
	http://www.idas.org.uk
	IDVAs community team 0114 2493920
Housing Solutions	0114 273 6306
	0800 731 1689 (out of hours)
	Howden House, 1 Union Street, Sheffield, S1 2SH,
	housingsolutionsgeneric@sheffield.gov.uk
Children Missing from Education Team	0114 273 6462
Safeguarding Adults	0114 273 6870
Adult's First Contact Team	0114 273 4908
Ashiana Sheffield	0114 255 5740
Karma Nirvana	0800 5999 247