



Northumbria PCC's Response to the Home Office Consultation on Preventing and Tackling Forced Marriage

Background

Government consultation asking for views on the issue of preventing and tackling forced marriage. The consultation aims to explore two ways in which the Government might, increase reporting of forced marriage, identify potential perpetrators and improve protection for victims.

Consideration is being given to the possibility of:-

- A. Introducing a legal duty requiring professionals to report cases – **Mandatory Reporting on Forced Marriage**
- B. Updating the guidance that was published in 2014: - **Guidance on Forced Marriage.**

The Angelou Centre and Northumbria Police provided us with their views for this consultation and these views informed this response.

Consultation

Part A

This section of the consultation recognises that a new duty will not on its own prevent forced marriage, improve support and protection for victims, or ensure punishment of offenders. However, the Government want to understand if the introduction of a mandatory duty for reporting will help achieve their aims.

Questions

1. **Do you feel that the introduction of a mandatory reporting duty for forced marriage would improve the safe-guarding response to this crime?**

- a. **Yes**
- b. No
- c. Don't know

The issue of Forced Marriage is recognised as an area of abuse which is under-reported to Police and other safe-guarding professionals and is outlined in the consultation document. The reasons for such under-reporting are believed to be varied and wide-ranging, however the introduction of a mandatory reporting duty should increase vigilance, raise awareness amongst safe-guarding professionals and as a consequence improve both the recognition of and coordinated response to forced marriage.

There is a risk with introducing mandatory reporting, there could be a risk of forcing victims 'underground' if changes are poorly implemented. Poor assessments and identification of

forced marriage could have a scenario of families being wrongly arrested and other families or perpetrators not even being considered.

2. (a) If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to:

- a. 'Known' cases – **Yes/ No/ Don't know**
- b. 'Suspected' cases- **Yes/ No/ Don't know**
- c. 'At risk' cases- **Yes/No/Don't know**

(b) If a mandatory reporting duty for forced marriage was introduced for 'suspected' and or 'at risk' cases, what safeguards do you think could be put in place to help mitigate the risks?

Introducing mandatory reporting to 'known' cases and 'suspected' cases will work to ensure safe-guarding action is taken to protect victims and potential victims of forced marriage. Including 'suspected' cases into mandatory reporting will elevate the potential victim of the responsibility of reporting and will provide organisations with clear guidelines on their duty to report should they suspect someone is about to become a victim of forced marriage.

Every opportunity where forced marriage can be prevented should be seized by professionals and a multi-agency response should be considered and developed. Extending the mandatory reporting framework to also include 'Suspected' cases would potentially lead to an increase in referrals, the level of which is difficult to determine, this is a risk when funding streams are being protracted and specialist services are working to capacity. It is difficult to make the case for only confirmed or 'known' cases to be subject of mandatory referral, especially when the impact upon victims is recognised. Focussing upon a mandatory reporting framework which centred upon 'Known' cases only, would hinder the potential preventive opportunities which may be available to safe-guarding professionals and proactive steps which could be considered and taken to prevent potential victims from becoming as such.

It should be recognise that the introduction of such policy change may require investment going forward to meet demand.

To further support the introduction of the mandatory reporting for 'known' and 'suspected' cases creating a systematic mechanism would mitigate failings that currently present a safe-guarding barrier. Safe-guarding needs to be considered in a broader sense to include;

- awareness raising, campaigns, access to culturally competent support
- support from specialist services included in safe-guarding hubs (such as MASH)
- assessment and systems training for statutory agencies particularly police and CPS
- recovery support that deters repeat victimisation and promotes safe networks (as isolation and community alienation also deters victims reporting)

These areas are not stipulated in the consultation or indeed the Domestic Abuse bill. We simply have a 'presumption' of the above areas being acted upon by communities/police/CPS. These considerations have great social value and would improve reporting, by ignoring the issues in a front loaded, intervention focused way we risk failing to address under-reporting and the wider personal social costs to victims and services.

Further guidance and training should be made available to help professionals identify cases of forced marriage to enhance understanding of the issue.

3. If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to cases involving:

- a. Under 16s- **Yes/ No/ Don't know**
- b. 16 and 17 year olds- **Yes/ No/ Don't know**
- c. Under 18 year olds- **Yes/ No/Don't know**
- d. Vulnerable adults- **Yes/ No/ Don't know**
- e. Other adults- **Yes/ No/ Don't know**

A holistic approach to mandatory reporting is deemed to be desirable. This would provide clarity of understanding within safe-guarding professionals. Each referral would and should be considered upon their respective merits and subject of a multi-agency response based upon information sharing, a joint assessment of risk and a considered and coordinated response which would take into consideration the wider family/cultural impact, risks of subsequent so called 'honour based violence' and community impact. The critical element of the response to forced marriage rests with the report which would lead to a bespoke response based upon the factors outlined above.

4. If a mandatory reporting duty for forced marriage was introduced, do you think it should apply to:

- a. Teachers- **Yes/ No/ Don't know**
- b. Regulated health professionals (including doctors, nurses etc) **Yes/ No/ Don't know**
- c. Regulated social care professionals **Yes/ No/ Don't know**
- d. Voluntary and community sector workers **Yes/ No/ Don't know**
- e. Other- please specify
- f. Don't know

5. If a mandatory reporting duty for forced marriage was introduced, do you think it should require reports to be made:

- a. The policy only

- b. Social care only
- c. The police and social care jointly
- d. Other- please specify
- e. Don't know

Reporting to Social Care and Police jointly will ensure that people under the age of 18 are safeguarded and protected as necessary.

The response to forced marriage involves a potential criminal investigation and safe-guarding activity to protect the victim (especially in the case of a child or vulnerable adult). The two agencies best placed to respond to such circumstances are the Police Service and Adult and/or Children's Social Care. As such it follows that any reports should be directed as such.

6. If a mandatory reporting duty for forced marriage was introduced then do you think reports should be made:

- a. At the point of initial disclosure (i.e. Immediately/as soon as possible)
- b. Within a specific time period (e.g one month) (please state what you feel an appropriate time period would be)
- c. Only if/ when the individual consents
- d. Other (please specify)
- e. Don't know

A report should be made as soon as practicable to ensure that any risk based multi-agency response can be considered and safe-guarding activity to mitigate any risk to the victim of siblings can be prioritised as such. Clearly the response to any such report needs to be proportionate to the level of risk present and where the risk is deemed to be high, any response needs to be timely. The submitting agency may not be in possession of all information surrounding any victim and as a consequence may not be best placed to appreciate the true level of risk. It is therefore imperative that a report is submitted at the earliest opportunity to allow the requisite information sharing, potentially via Multi-Agency Safe-guarding Hubs (MASH) and joint risk assessments to take place.

7. If a mandatory reporting duty for forced marriage was introduced, do you think it should be required a report to be made:

- a. Once per profession
- b. Once per individual professional
- c. Other (please specify)
- d. Don't know

Any professional to make a report upon receipt of information which indicates the existence of the risk of forced marriage.

Any opportunity to potentially identify the existence of a risk of forced marriage should be maximised. As such any professional who becomes aware of such a risk should be directed to make a report. The circumstances of any case and the associated risks could increase and further information can become know which could inform the required response and

the priority in which it would need to be undertaken. It would therefore form best practice that any individual professional who receives such information should be obligated to make a report. The coordination of multiple reports could be captured within a MASH to prevent duplication where cases already exist and a response is in place or being considered.

DHR's have identified gaps when only a few professionals report despite multiple contacts- for example specialist agencies have several contacts through different projects (such as parenting and advocacy) if groups working directly with women in the community are excluded from mandatory reporting this could lead to missing information that will result in agencies further protecting victims and any profiling of family/communities. It increases will also increase accountability, if we do not make mandatory reporting the responsibility of all professionals it may result in professionals acting as information gatekeepers.

8. If a mandatory reporting duty for forced marriage was introduced, do you think failure to comply with it should be:

- a. Considered by the relevant professional regulator/employer**
- b. A criminal offence**
- c. Other (please specify)**
- d. Don't know**

If a mandatory reporting duty was introduced, a proportionate/measured response in the event of any failure to comply should be considered by the relevant professional regulator/employer. To make this a criminal offence could result in a risk averse position being taken by the obligated agencies which could result in multiple unnecessary reports being made and resulting in a position where the identification of genuine cases becomes problematic.

9. What evidence or information do you have on the expected increase in reports to the police from introducing mandatory reporting of forced marriage and how do you think they would vary with the different proposals?

As outlined in the consultation document, the scale of cases of forced marriage within the UK is not clearly understood due to the nature of the issue of underreporting. The increase which would be expected to accompany the introduction of mandatory reporting would be influenced by the agreed reporting protocol based upon the ages as outlined in question 3. A further variable would also include the demographics of each police force area and in particular those with larger populations of communities who are historically associated with the issue of forced marriage within their culture. It is therefore very difficult to accurately predict the level of expected increase without more detailed analysis.

One risk linked to the introduction of mandatory reporting is victims may feel prevented from disclosing to specialist agencies through fear of consequences when the offence is reported to Police. This may cause a negative turn in reporting, professionals reporting to police/social services will undoubtedly increase, however, reporting from victims could potentially decrease.

10. What evidence or information do you have on the length of time which would be required to refer a case of suspected forced marriage to the police, the length of time which the police would spend investigating such a case, and any other costs to statutory agencies of complying with the duty.

Each response to a report to forced marriage, whilst sharing some similarities in the tactical approach by relevant agencies, is very often different. It is therefore very difficult to predict the resources required in terms of time and cost to respond effectively. Cases can vary in extremes:-

- limited action may be taken in 'suspected' cases where, through a multi-agency response and coordinated approach to a victim, it is ascertained that the existence of a risk of forced marriage is not present
- where the risk is acute, involving a child and requires siblings to be safeguarded and ongoing activity to mitigate the risk of so called 'honour based violence'. Such a response could in extreme cases require victims to be placed in the Protected Persons scheme (PPS).

Therefore, without some detailed demand analysis, it is very difficult to provide evidence of impact and cost due to the variables as outlined.

11. Would there be any other implications for frontline professionals of introducing mandatory reporting duty for forced marriage?

- a. Yes (please outline)**
- b. No**
- c. Don't know**

The introduction of mandatory reporting would be expected to have implications for frontline professionals as a consequence of the predicted increase in demand. Further training and awareness would be required and agencies with resourcing pressures may need to prioritise work to meet any additional demand. An improved ability to recognise and respond to cases of forced marriage is a positive step, as forced marriage remains a hidden crime where victims continue to stay silent, fearing isolation or worse from their family and/or community. It is therefore crucial that this cycle is broken, victims are encouraged to report and safeguards are put in place.

This would also directly affect specialist organisations who are community based and have a proven track records for linking excluded and marginalised victims of harmful practices with the police and other agencies. At present it is the trust and cultural expertise of black led/community orgs that increase safety for victims by working in multi-agency contexts and offering choices to victims (civil orders/safety planning) and sharing info to increase safety could be lost to the detriment of survivor safety.

There could be an issue of seriously increasing risk of harm/death, if victims withdraw evidence, the criminalisation of the offence would increase the vulnerability of victims who do to grooming, HBV/A or family loyalty are already reluctant to come forward.

12. Would the introduction of a mandatory reporting duty have any equalities implications and if so, how can these be addressed?

- a. Yes (please outline how these can be addressed)
- b. No
- c. Don't know

As above, if there are poor reporting mechanisms and systems, ill thought out and reiterated by a lack of workforce diversity which is an issue in the North East- this could lead to a form of cultural relativizing and profiling that could see some communities (South Asian/Muslim) fitting the risk 'template' and new and emerging communities and risk there not being recognised. This is why it needs to be well thought out and if it's going to be rolled out has to be informed by the specialist VAWG sector.

13. Are there any benefits to introducing a mandatory reporting duty for forced marriage which are not highlighted in this consultation?

- a. Yes (please outline)
- b. No

The benefits of introducing a mandatory reporting duty are clearly outlined within the document.

14. Are there any risks to introducing a mandatory reporting duty for forced marriage which are not highlighted in this consultation.

- a. Yes (please outline)
- b. No

Victims of forced marriage and honour based violence may be at increased risk of harm from family members, community and perpetrators. Additional training will assist practitioners and professionals to understand the complexities of the violence and provide a greater awareness of the need for a mutli-agency approach to be taken when supporting victims.

Other risks could include:

- Targeting, profiling and cultural relativizing of communities from ill-informed professionals (very likely where there are non-diverse workforces that do not reflect communities such as North East)
 - This could lead to more community tensions and a lack of community cohesion- especially in this divisive political climate
 - This could lead to further racial tension informed by media coverage
- Preventing victims from accessing community and culturally competent support- we know all domestic and sexual violence victims often need time to build trust, know their choices and options and to be supported into their safety and recovery
- Importantly- victims (especially women) could be given no autonomy, choice or ownership – leading to further discrimination from professionals, I would question how this would work in relation to civil orders- which are a protective measure for women and encourage them to get support and protection, as the key issue to reporting is women's reluctance to report/criminalise family

- Reluctance to report at any level, leaving women at further risk of escalated or serious harm before they seek help
 - Women who are being threatened with immigration abuse, have come over on spouse visa's or who have uncertain immigration status will be more reluctant to report
 - Women from EEA areas- even more so post Brexit -could be at further risk for similar reasons as above
 - Heightened risk of discrimination from institutions for communities where there is a more prevalent risk
 - Non-UK resident members of victims families could be put at greater risk
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Part B

This section of the consultation is ensure relevant safe-guarding professionals and organisations understand, and respond appropriately and effectively to forced marriage.

15. Are there substantive amendments which could be made to the statutory guidance which would help to prevent forced marriage and protect and support victims?

As above we would reiterate:

- awareness raising, campaigns, access to culturally competent support
- support from specialist services included in safe-guarding hubs (such as MASH)
- assessment and systems training for statutory agencies particularly police and CPS
- recovery support that deters repeat victimisation and promotes safe networks (as isolation and community alienation also deter victims reporting)

There needs to be improved measures of support for victims in relation to trans national threats

16. Are there substantive amendments which could be made to the practice guidelines which would help to prevent forced marriage and protect and support victims?

As above

17. Do you think that the statutory multi-agency guidance and the practice guidelines should be combined to provide one clear document for professionals?

- Yes**
- No**
- Don't know**

This should to be written alongside and cross referenced with the Domestic Abuse Bill. One of biggest issues with the proposed Domestic Abuse bill is the failure to specify harmful practice remedies and mechanisms. Forced Marriage should be seen on the spectrum of VAWG failing

to have it recognised may put victims at risk of violence such as stalking, HBV/A and other forms of violence may be overlooked if it is not seen as VAWG in the bill. The impact on the victim also needs to be considered – from a health point of view- could this measure increase suicide and psychological harm for victims who believe themselves to be unable to report or feel they are in too much danger if they do.

18. Do you think that the guidance should be broadened to include information on so called 'honour-based' violence/abuse?

- a. Yes**
- b. No**
- c. Don't know**

If yes, is there specific information and advice on so called 'honour based' violence/abuse which you think should be included?

Honour based violence and forced marriage have direct links to each other and for this reason Honour based violence should be included in the guidance for forced marriage. In providing information on both matters within the same guidance professionals will receive guidance that will build knowledge, grow confidence and enable good practice. Honour based violence will affect victims both prior to and following forced marriage making it essential for practitioners to have clear guidance on both issues.

HBV/A and FM are part of a spectrum of domestic and sexual violence/VAWG, there are serious implications if they are separated or singularised. Forced Marriage is perpetrated often within a context of inter familial or transnational control and violence- it is still mainly perpetrated against women and girls within honour codes where the female is a commodity- therefore this needs to be embedded in the guidance.

Importantly training around this should be standardised and if mandatory reporting does go ahead they should be guided by specialist organisations such as Southhall Black Sisters and Imkaan or there will be a divide between the black led VAWG sector who do the majority of this work and bridge the gap between communities and institutions/CJ process and institutions/law enforcers.

19. Are there any other factors which you believe should be considered in relation to the guidance on forced marriage?

As above – spectrum of VAWG- needs to be embedded guidance that cross references proposed DA Bill, very concerned about this being separated out.

