

Forced Marriage **Statutory Guidance**

Consultation Paper



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scotland**
SCOTTISH GOVERNMENT

Forced Marriage **Statutory Guidance**

Consultation Paper

The Scottish Government, Edinburgh 2011

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CONSULTATION ON FORCED MARRIAGE STATUTORY GUIDANCE

Dear Consultee

This letter is to inform you of the launch of the attached Scottish Government consultation on the forced marriage statutory guidance.

The consultation asks for comments on the draft guidance which is proposed to be given under section 11 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Bill that was passed by the Scottish Parliament on 22 March. The guidance is aimed at Chief Executives, Directors and senior managers of public bodies and provides information on understanding the issues behind forced marriage and then sets out the duties and responsibilities of agencies with the aim of protecting children, young people and adults facing forced marriage. We would welcome your views on the guidance and your response to the questions included in the consultation.

The consultation is only available as an electronic publication. We are inviting responses online or, where this is not possible, written responses to this consultation paper **by 1 July 2011**. If you have any queries please contact me at email: eileen.flanagan@scotland.gsi.gov.uk or tel: 0131 244 5209.

I would be grateful if you would use the consultation questionnaire provided as this will help our analysis of responses. Please send your response with the completed Respondent Information Form (see "handling your response" in the consultation document) to: Forcedmarriage@scotland.gsi.gov.uk or to:

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This consultation, and all other Scottish Government consultation exercises, can be viewed online on the consultation web pages of the Scottish Government website at <http://www.scotland.gov.uk/consultations>

The Scottish Government has an email alert system for consultations, <http://register.scotland.gov.uk> This system allows stakeholder individuals and organisations to register and receive a weekly email containing details of all new consultations (including web links). It complements, but in no way replaces Scottish Government distribution lists, and is designed to allow stakeholders to keep up to date with all Government consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. We would encourage you to register.

Yours faithfully

Eileen Flanagan
Gender Equality & Violence Against Women Team

Acknowledgement

The Scottish Government would like to thank the UK Government's Forced Marriage Unit for its agreement to use its forced marriage statutory guidance as the basis of this consultation document.

Forced marriage statutory guidance - Consultation paper

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Foreword



This is a very significant time for us in Scotland in relation to our work on forced marriage. We will soon have our own legislation, the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (“the Act”), which was passed by the Scottish Parliament earlier today.

Going forward, we will be doing things our own way, no longer following England and Wales but always grateful to them for sharing their learning with us as we will with them.

We will rely on your help to make sure our legislation works the way we want it to and that we provide protection effectively to the very vulnerable people who may require a Forced Marriage Protection Order. We know that our public sector partners will be crucial to the success of this new legislation. That is why we have listened to those who gave evidence on the Act as it went through Parliament about the importance of guidance, and in fact I introduced an amendment at Stage 2 to make it a requirement that guidance on the effect of Part 1 of the Act be given prior to, or at the same time as, commencement.

We are looking for your help now in making sure that the guidance achieves its purpose – to clearly and explicitly set out the responsibilities of public bodies in implementing the Act. As you will see in the consultation document, we have posed a number of questions which we would like you to answer. In addition, please do let us know if there are any other aspects which you think we should take into account.

Thank you for your help. I am very pleased that we now have this important new legislation in Scotland, and I look forward to working with you to make sure it does what we all want it to do.

A handwritten signature in black ink, appearing to read 'Alex Neil'.

Alex Neil
Minister for Housing & Communities

Preface

The Act is expected to come into force in autumn 2011.

Section 11 of the Act provides that the Scottish Ministers must give guidance to such persons or descriptions of persons as Ministers consider appropriate about the effect of Part 1 or any provision of it. It also provides that the Scottish Ministers may give guidance about other matters relating to forced marriages.

It is proposed that the guidance given under section 11 (“statutory guidance”) will set out the strategic responsibilities of agencies involved with handling cases of forced marriage. A person exercising public functions to whom guidance is given under section 11 must have regard to it in the exercise of those functions.

This consultation paper relates solely to the proposed statutory guidance and is set out in the form of draft guidance interspersed with questions on which we are seeking views.

Views are welcome on any part of the draft, even where a specific question has not been posed. Annex A lists the organisations to which the consultation paper has been sent. It would be helpful if you would use the consultation questionnaire provided at Annex C when you respond as this will help our analysis of responses.

Separately, the Government is also developing detailed practice guidelines for frontline staff dealing with individual cases of forced marriage. The practice guidelines are expected to be ready in late 2011.

PART ONE

CONTEXT

Chapter 1

Background

Understanding forced marriage

1. The Government regards forced marriage as a form of domestic abuse, an abuse of human rights and, where it affects children and young people, child abuse. It can happen to both men and women although most cases involve younger women and girls aged between 13 and 30. However, there is no “typical” victim of forced marriage. Some are under 16 years old, although many are older. Some victims have a disability, some have young children and some are spouses from overseas.

Forced marriage is 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\(2\)](#)

“No marriage shall be legally entered into without the full and free consent of both parties.” [UN Convention on consent to marriage, minimum age for marriage and registration of marriages, Article 1](#)

“In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.” [United Nations Convention on the Rights of the Child, Article 3](#)

“States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent: (a) The inducement or coercion of a child to engage in any unlawful sexual activity” ([United Nations Convention on the Rights of the Child, Article 34a](#))

“A woman’s right to choose a spouse and enter freely into marriage is central to her life and her dignity and equality as a human being.” ([General Recommendation No. 21, Comment Article 16 \(1\) \(b\), UN Convention on the Elimination of All Forms of Discrimination Against Women](#))

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, it is clear that forced marriage is not solely a South Asian problem and there have been cases involving families from East Asia, the Middle East, Europe and Africa. Some forced marriages take place in the UK with no overseas element, while others involve a prospective partner coming from overseas or a British citizen being sent abroad.

3. **There is a clear difference 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 the prospective spouses.
4. In forced marriage, one or both spouses do not (or, in the case of some adults at risk, cannot) consent to the marriage and some element of duress is involved. Duress can include physical, psychological, sexual and emotional pressure.

Government response to tackle forced marriage

5. In August 1999, the UK Government's Home Office Minister for Community Relations, Mike O'Brien MP established a Forced Marriage Working Group to undertake an investigation into the scale and extent of forced marriage across the UK. The Working Group's findings were published in "A Choice by Right" in 2000¹. The Working Group concluded, amongst other things, that there were eight guiding principles that should be adopted by all agencies dealing with forced marriage.
6. These were:
 - Commitment
 - Safety and protection
 - Sensitivity
 - Involving communities
 - Multi-agency working
 - Monitoring
 - Training
 - Promoting awareness of rights and services
7. The Foreign & Commonwealth Office responded to this by setting up the Community Liaison Unit in 2000. The role of the Unit was to provide information and support to the victims of forced marriage and professionals who were dealing with cases. In 2005, the Unit developed into a joint Home Office and Foreign & Commonwealth Office Unit known as the [Forced Marriage Unit \(FMU\)](#).
8. The Forced Marriage Unit deals with approximately 300 to 400 cases of forced marriage a year (469 cases in 2010). Of these, (up until 2009) approximately 10% involved people from Scotland. In 2010 this percentage was significantly less at 2.7%. It should be clarified that neither Forced Marriage Unit officials nor Scottish stakeholders

¹<http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/forced-marriage/info-for-professionals>

supporting victims of forced marriage thought that this decrease in reporting reflected a real reduction in forced marriage cases in Scotland. A more likely reason is that Scottish victims are seeking advice and support from organisations closer to home, rather than contacting the London-based Forced Marriage Unit.

9. The main support organisations in Scotland for female victims, who make up 85% of all cases, are [Shakti Women's Aid](#) in Edinburgh and [Hemat Gryffe Women's Aid](#) in Glasgow. In 2010-11 Shakti Women's Aid supported 12 forced marriage cases and Hemat Gryffe Women's Aid 13 cases. There is no reliable source of information that captures the 15% of cases involving male victims of forced marriage. However, since we know that 20 cases involving female victims make up 85% of all cases, we can estimate that there were at least 4 cases which involved male victims.
10. The Scottish and UK Governments undertook a joint consultation, [Forced Marriage, A Wrong Not a Right](#), in 2005 to ask whether or not forced marriage should become a criminal offence. Agencies, professionals and individuals were invited to respond to the paper.
11. While there was no clear majority among respondents about whether or not a specific criminal offence should be created, the majority thought that the disadvantages of creating new legislation would outweigh the advantages and potentially drive forced marriage further underground by preventing victims from coming forward. As a consequence of the consultation paper, the [Forced Marriage \(Civil Protection\) Act](#) was enacted in 2007. The Act forms part of the Family Law Act 1996 and makes provision for protecting children, young people and adults in England, Wales and Northern Ireland through the civil courts, from being forced into marriage without their free and full consent.
12. In 2009 the Scottish Government launch a consultation [Forced Marriage: A Civil Remedy?](#) which asked whether Scotland should introduce its own civil legislation to protect victims of forced marriage.
13. The consultation was overwhelmingly in favour of the introduction of legislation and led to the development of the [Forced Marriage etc. \(Protection And Jurisdiction\) \(Scotland\) Bill](#) which was introduced to the Scottish Parliament on 29 September 2010. The Bill makes provision for protecting people from being forced to enter into marriage without their free and full consent and for protecting those who have been forced to enter into marriage without such consent. It also amends the jurisdiction of the sheriff court in relation to actions for declarator of nullity of marriage. It successfully made its way through the Scottish Parliamentary process in March 2011 and is due to receive Royal Assent in April 2011.

Question 1 - Is the information provided in paragraphs 1-13 useful for understanding forced marriage and the response by the Scottish and UK Governments to address forced marriage? – YES, NO, or DON'T KNOW?

Chapter 2

The status, audience and purpose of this guidance

The status of this document as statutory guidance

14. Part Two of this document contains draft guidance which the Scottish Ministers propose to issue under section 11 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011².
15. Section 11 of the Act requires the Scottish Ministers to give guidance to such persons or descriptions of persons as they consider appropriate about the effect of Part 1 of the Act. It also enables the Scottish Ministers to give guidance about other matters relating to forced marriages.
16. A person exercising public functions to whom guidance is given under section 11 must have regard to it in the exercise of those functions.

Audience

17. This guidance will be given to relevant persons and bodies in Scotland who exercise public functions for protecting and promoting the welfare of children including schools, local authorities, and the police. It will also be given to Child Protection Committees which are locally based, inter-agency strategic partnerships responsible for individual and collective leadership and direction for the management of child protection across Scotland.
18. Guidance will also be given to relevant persons and bodies in Scotland who exercise public functions to protect adults at risk from abuse. Examples of these bodies may include, but are not limited to, the police, NHS Health Boards and local authorities, in particular adult social work services.
19. It will also be given to any other person exercising public functions on behalf of a person or body mentioned in paragraphs 17 and 18.

Target audience and purpose of this guidance

20. This guidance is targeted at Chief Executives, Directors and senior managers of persons and bodies mentioned in paragraphs 17 or 18 and Chief Executives, Directors and senior managers who are persons mentioned in paragraph 19. It outlines their responsibilities for

² To note: The content of this consultation document and subsequent statutory guidance are subject to the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Bill receiving Royal Assent.

developing and maintaining local procedures and practice arrangements to enable their front-line practitioners to handle cases of forced marriage effectively. It sets out how cases of forced marriage should be responded to using existing frameworks for protecting children, adults at risk and victims of abuse.

21. This document is not intended to be used by frontline practitioners as practice guidance. Front-line practitioners handling cases of forced marriage should consult the forced marriage practice guidelines to be issued separately by the Scottish Government by the end of 2011.

Aims

22. This document provides information on understanding the issues behind forced marriage and then sets out the duties and responsibilities of agencies with the aim of protecting children, young people and adults facing forced marriage. It does not attempt to replicate existing guidance.
23. As forced marriage is a form of child and adult abuse, it should form part of existing domestic abuse, child and adult protection structures, policies and procedures.
24. The document highlights specific arrangements that may inadvertently place a victim at risk of harm. These include failure to share information appropriately among agencies, the danger of involving families, breaches of confidentiality and all forms of family counselling, mediation, arbitration and reconciliation.

Question 2 - Are paragraphs 17-20 specific enough about the intended audience of this guidance? – YES, NO, or DON'T KNOW?

Question 3 – Do you think this statutory guidance should include a specific list of all agencies that have responsibilities to protect children, adults and adults at risk of forced marriage? – YES, NO, or DON'T KNOW?

Definitions

Child, children and young people

25. Section 93(2) (a) and (b) of the [Children \(Scotland\) Act 1995](#) defines a child in relation to the powers and duties of the local authority. Young people between the age of 16 and 18 who are still subject to a supervision requirement by a Children's Hearing can be viewed as a child. Young people over the age of 16 may still require intervention to protect them.³

³ National Guidance for Child Protection in Scotland, Scottish Government (2010)

Child abuse and neglect

26. Throughout this document the recognised categories of maltreatment of children as set out in the [Scottish Government's National Guidance for Child Protection in Scotland \(2010\)](#), have been used. These are:
- Physical abuse
 - Sexual abuse
 - Emotional abuse
 - Neglect

Child in need

27. Children who are defined as being "in need" under section 93(4) of the Children (Scotland) Act 1995, include those whose vulnerability is such that they are unlikely to reach or maintain a reasonable 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 protect and promote the welfare of children in need.

The concept of significant harm

28. Significant harm is a complex matter and subject to professional judgement based on a multi-agency assessment of the circumstances of the child and their family. Where there are concerns about harm, abuse or neglect, these must be shared with the relevant agencies so that they can decide together whether the harm is, or is likely to be, significant. It is essential that when considering the presence or likelihood of significant harm that the impact (or potential impact) on the child takes priority and not simply the alleged abusive behaviour.

Adult

29. In this guidance „adult“ means a person aged 16 years or over.

Adult at risk of harm

30. The [Adult Support and Protection \(Scotland\) Act 2007](#) defines adults at risk of harm as adults who –
- 1(a) are unable to safeguard their own well-being, property, rights or other interests
 - (b) are at risk of harm and
 - (c) because they are affected by disability, mental disorder⁴, illness or physical or mental infirmity, are more vulnerable to being harmed than adults who are not so affected.

⁴ For someone with mental disorder – this does not have to relate to a long-term condition to qualify as an adult at risk. As long as the 3 point adult at risk criteria apply to the individual, then the person can be supported and protected. For example, if someone is under duress due to the actions of another person or persons this could lead to their mental health being affected at a moment in time but would not necessarily result in a long-term or lifelong medical condition. It could mean that this behaviour makes the victim an adult at risk at a specific point in time.

and

- 2 An adult at risk of harm for the purposes of subsection (1) if:
- (a) another person's conduct is causing (or likely to cause) the adult to be harmed, or
 - (b) the adult is engaging (or is likely to engage) in conduct which causes (or is likely to cause) self-harm.

Arranged marriage

31. 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 the prospective spouses.

Forced marriage

32. A forced marriage is a marriage in which one or both spouses do not (or, in the case of some adults at risk, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure⁵.

Honour-based violence

33. The term "honour crime" or "honour-based violence" embraces a variety of crimes of violence (mainly but not exclusively against women), including assault, imprisonment and murder where the person is being punished by their family or their community. They are being punished for actually, or allegedly, undermining what the family or community believes to be the correct code of behaviour. In transgressing this correct code of behaviour, the person shows that they have not been properly controlled to conform by their family and this is to the "shame" or "dishonour" of the family.

34. Welshman and Hossain state "The term crimes of honour or "izzat" encompasses a variety of manifestations of violence against women; including murder termed "honour killings", assault, confinement or imprisonment and interference with choice in marriage where the publicly articulated justification is attributed to a social order claimed to require the preservation of a concept of honour vested in male family and or conjugal control over women and specifically women's sexual conduct – actual, suspected or potential."⁶

Relevant third party

35. Section 3 of the Forced Marriage etc. (Protection and Jurisdiction) Act 2011 enables any person, with leave of the court, to apply for a forced marriage protection order. However, the victim, a local authority, the Lord Advocate and other specified persons may apply without leave.

⁵ Forced Marriage Unit

⁶ Welchman, Lynn and Hossain, Sara, eds. (2005) *Honour: Crimes, Paradigms and Violence against Women*. Zed Books (London).

Domestic abuse

36. [The National Strategy to Address Domestic Abuse in Scotland \(2000\)](#) includes the following definition of domestic abuse used by the Scottish Government:

“Domestic abuse (as gender-based abuse), can be perpetrated by partners or ex-partners and can include physical abuse (assault and physical attack involving a range of behaviour), sexual abuse (acts which degrade and humiliate women and are perpetrated against their will, including rape) and mental and emotional abuse (such as threats, verbal abuse, racial abuse, withholding money and other types of controlling behaviour such as isolation from family or friends).”

The Strategy recognises that:

“Domestic abuse is most commonly perpetrated by men against women... and requires a response which takes account of the gender specific elements and the broader gender inequalities which women face.”

It goes on to state that:

“...in accepting this definition, it must be recognised and taken into account that, particularly among black and minority ethnic communities, other family members connected to a woman through marriage may be involved in, or may participate in the abuse of the woman. In certain cases, abuse is perpetrated by other family members, even without the knowledge of the partner. In addition, there is abuse of women by members of their own families in the context of forced, as opposed to arranged, marriages or as a result of their failed marriages or divorce.”

Question 4 - Are the definitions in paragraphs 25-36 clear? - YES, NO, or DON'T KNOW?

Question 5 - Does the definition of forced marriage accurately cover the behaviours perpetrated in cases of forced marriage which your organisation has dealt with and the types of people who could be affected/supported? YES, NO, or DON'T KNOW?

Chapter 3

Understanding the issues around forced marriage

Motives prompting forced marriage

37. Parents who force their children to marry often justify their behaviour as protecting their children, building stronger families and preserving cultural or religious traditions. They often do not see anything wrong in their actions. 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.
38. Often parents believe that they are upholding the cultural traditions of their home country, when in fact, practices and values there may have changed. Some parents come under significant pressure from their extended families to ensure their children are married. In some instances, an agreement may have been made about marriage when a proposed spouse was a very young child. Many young people live their entire childhoods with the expectation that they will marry someone their parents select – some may be unaware that they have a fundamental right to choose their spouse.

Forced marriage is an abuse of human rights

39. While it is important to understand the motives which drive parents to force their children to marry, these motives should not be accepted as justification for denying them the right to choose a marriage partner and enter freely into marriage. Forced marriage is an abuse of children's rights under the [UN Convention on the Rights of the Child \(UNCRC\)](#) as well as an abuse of human rights. Some of the key motives that have been identified are:
- Controlling unwanted behaviour, for example, alcohol and drug use, wearing makeup or behaving in a “westernised manner”
 - Controlling unwanted sexuality (including perceived promiscuity, or being lesbian, gay, bisexual or transgender) – particularly the behaviour and sexuality of women
 - Protecting “family honour” or “izzat”
 - Responding to peer group or family pressure
 - Attempting to strengthen family links
 - Achieving financial gain
 - Ensuring land, property and wealth remain within the family
 - Protecting perceived cultural ideals
 - Protecting perceived religious ideals which are misguided
 - Ensuring care for a child or vulnerable adult with special needs
 - Preventing “unsuitable” relationships, e.g. outside the ethnic, cultural, religious or caste group
 - Assisting claims for UK residence and citizenship

- Long-standing family commitments

Question 6 – Do paragraph 37-39 accurately identify the key motives that drive parents to force their children to marry? – YES, NO, or DON'T KNOW?

The victim

40. Isolation is one of the biggest problems facing those trapped in, or under threat of, a forced marriage. They may feel they have no one to speak to about their situation. These feelings of isolation are very similar to those experienced by victims of other forms of domestic abuse and child abuse. Only rarely does an individual disclose fear of forced marriage. Therefore, someone who fears they may be forced to marry often comes to the attention of health professionals, police, social care services or education professionals for various behaviours consistent with distress.
41. 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. They may feel unable to go against the wishes of their parents and consequently may suffer emotionally, often leading to depression and self-harm. These factors can contribute to impaired social development, limited career and educational opportunities, financial dependence and lifestyle restrictions. Studies have shown that self-harm is significantly higher amongst Asian women than other groups and contributory factors include lack of self-determination, excessive control, weight of expectations of the role of women and concerns about their marriages.
42. A mental or physical disability or illness adds to a young person's, or an adult'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.

Possible consequences of forced marriage

43. Women forced to marry may find it very difficult to initiate any action to bring the marriage to an end and may be subjected to repeated rape (sometimes until they become pregnant) and ongoing domestic abuse within the marriage. In some cases, they suffer violence and abuse from the extended family, often being forced to undertake all the household chores for the family. Victims frequently end up trapped in a relationship marked by physical and sexual abuse. The impact this has on children within the marriage is immense.
44. Children witnessing such abuse can be traumatised because witnessing persistent violence undermines children's emotional security and capacity to meet the demands of everyday life. Children's academic abilities can be affected. Witnessing domestic abuse as a child is associated with depression, trauma-related symptoms and low self-esteem in adulthood.

45. Some people may think that running away is their only option. For many young people, especially women from ethnic minority communities, leaving their family can be especially hard. They may have no experience of life outside the family. For many, finding accommodation for themselves and their children is very difficult – especially for those who do not have leave to remain and, therefore, do not have recourse to public funds⁷.
46. Living away from home with little support can make a victim more isolated, thus making 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 their family in the eyes of the community. This may lead to social ostracism and harassment from the family and community. For many, this is simply not a price they are prepared to pay.
47. Those who do leave often live in fear of their own families, who will go to considerable lengths to find them and ensure their return. Families may solicit the help of others to find them, or involve the police by reporting them missing or falsely accusing the person of a crime (for example theft). Some families have traced individuals through medical and dental records, bounty hunters, private investigators, local taxi drivers, members of the community and shopkeepers or through National Insurance numbers, benefit records, school and college records. Sometimes having traced them, the family murders them (so called “honour killing”).
48. Women trapped in a forced marriage often experience violence, rape, forced pregnancy and forced childbearing. 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. Their interrupted education limits their career choices. Even if they manage to find work, however basic, they may be prevented from taking the job or their earnings may be taken from them.
49. This leads to economic dependence, which makes the possibility of leaving the situation even more difficult. Some may be unable to leave the house unescorted – living virtually under house arrest.

Question 7 - Do paragraphs 43-49 effectively outline the possible consequences of forced marriage for the victim? – YES, NO, or DON'T KNOW?

⁷ If a person does not have indefinite leave to remain, some form of discretionary leave or a right of abode in the UK, then they are likely to have a restriction on receiving public funds (no recourse to public funds). Public funds include income support and housing benefit.

Difficulties faced when a forced marriage takes place overseas

50. For many, it may be their first experience of travelling 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 and e-mail. They may not have access to their passport and money. Women may not be allowed to leave the house unescorted. They may be unable to speak the local language. 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, neighbours, family or friends. Some individuals may find themselves subjected to violence or threats of violence.

The legal position

51. Although there is no specific criminal offence of “forcing someone to marry” within Scotland, criminal offences may nevertheless be committed. Perpetrators – usually parents or family members – could be prosecuted for offences including assault, kidnap, plagium, theft (of passport), threats to kill, abduction and murder. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage or not. A woman who is forced into marriage is likely to be raped and may be raped until she becomes pregnant.

52. The [Sexual Offences \(Scotland\) Act 2009](#), for example, contains provisions which criminalise people engaging in sexual activity with children under the age of 16, whether the conduct is apparently consensual or not. In contrast with existing legislation, it is not a defence to these offences that the accused was married to the child.

53. There are also a number of civil orders that can be made to protect those threatened with, or already in, a forced marriage. For example, the [Children \(Scotland\) Act 1995](#) provides for orders to prevent the removal of, and to safeguard, a child where there is a risk of harm to the child.

54. The Principal Reporter may refer the case of a child to a children’s hearing to consider whether or not compulsory measures of supervision are required for the protection, guidance, treatment or control of a child. The existing grounds for referral set out in section 52 of the [Children \(Scotland\) Act 1995](#) will be replaced in due course by the grounds set out in section 67 of the [Children’s Hearings \(Scotland\) Act 2011](#).

55. In particular, section 67(2)(p) (inserted by the Forced Marriage etc (Protection and Jurisdiction) (Scotland) Act 2011) includes the ground that a child (i) is being, or is likely to be, subjected to physical, emotional or other pressure to enter into a marriage or civil partnership,

or (ii) is, or is likely to become, a member of the same household as such a child⁸.

56. Temporary or emergency measures will sometimes be necessary such as child protection orders (under section 57 of the [Children \(Scotland\) Act 1995](#)) whereby a child could be removed from their home to a place of safety or the prevention of the removal of a child from a specified place. Section 73(7) of the [Children \(Scotland\) Act 1995](#) places a duty on a parent, when a child is subject to a supervision requirement, to give notice to the Principal Reporter in the hearings system and the relevant local authority of any proposal to take the child to live out with Scotland not later than 28 days prior to doing so. This proposal would then be considered by a reconvened hearing.
57. There are alternative ways of ensuring a child's safety, including a child assessment order under section 55 of the [Children's \(Scotland\) Act 1995](#). The purpose of a child assessment order is to be able to carry out an assessment of the child to identify whether the child is suffering or likely to suffer from significant harm, it can also provide for the removal of a child to a place of safety for a short time. Children's hearings or the sheriff also have powers to issue warrants under sections 45, 63, 66, 68 and 69 of the [Children \(Scotland\) Act 1995](#) in certain circumstances which may authorise the searching, finding and keeping of a child in a place of safety pending a children's hearing or hearing before the sheriff. A child (in this case, someone under 18) could also under section 38 of the Act request that the local authority provide them with short-term refuge.
58. Interdicts under section 11 of the [Children \(Scotland\) Act 1995](#) could also be used. An order could be sought by a sympathetic family member or friend.
59. Section 22 of the [Children \(Scotland\) Act 1995](#) also imposes a general duty on local authorities to safeguard and promote the welfare of children.
60. In addition, the following civil remedies may offer some protection or assistance to an adult who is being, or has been, forced into a marriage:
 - A common law interdict with power of arrest under the [Protection from Abuse \(Scotland\) Act 2001](#)
 - An interdict or non-harassment order under the [Protection from Harassment Act 1997](#)
 - A matrimonial interdict under the [Matrimonial Homes \(Family Protection\) \(Scotland\) Act 1981](#) with power of arrest under the 2001 Act (available within marriage, against the spouse only)

⁸ To note section 67(2) of the Children's Hearings (Scotland) Act 2011 is to be amended by section 12A of the Forced Marriage etc. (Protection and Jurisdiction)(Scotland) Bill to amend the grounds to establish a separate ground in respect of a child being forced into a marriage, "force" being construed in accordance with section 1 of the Forced Marriage Bill.

- An exclusion order under the 1981 Act (available within marriage, against the spouse only)
- A declarator of nullity of marriage and
- Divorce

Forced Marriage Protection Orders

61. The Forced Marriage etc. (Protection and Jurisdiction)(Scotland) Bill introduces a civil Forced Marriage Protection Order (FMPO) which can protect both adults and children at risk of being forced into marriage and can offer protection for those who already have been forced into marriage. This provision is designed to enable the courts to tailor the terms of an FMPO to protect and meet the specific needs of victims of forced marriage or potential forced marriage. For example it might state that the protected person must be taken to a place of safety designated in the order, or that the protected person be brought to a court at such time and place as the court specifies; that any violent, threatening or intimidating conduct be stopped; that the protected person not be taken abroad; or that documents such as passports or birth certificates be handed over to the courts.

Relevant third parties

62. Section 3 of the Act enables any person, with leave of the court, to apply for an FMPO. However, the victim, a local authority, the Lord Advocate and any other person specified by order may apply without leave.

63. Local authorities will decide how best to deliver its role as a relevant third party applying for a FMPO under this provision as it does for orders under other legislation including for example, antisocial behaviour orders.

Question 8 – Do you think separate guidance should be provided for local authority staff to support them in their role as a relevant third party? YES, NO, DON'T KNOW?

Breach of a forced marriage protection order

64. Breach of a Forced Marriage Protection Order is a criminal offence and punishable by imprisonment for up to 12 months, and/or a fine. In more serious offences, the period of imprisonment can extend to up to 2 years. The police may arrest without warrant any person who they reasonably believe is committing or has committed a breach of a FMPO.

65. As with any other civil order, the applicant or the protected person would be the person who would either go to court or report the breach to the police. However, any person including, for example, a friend or relative of the protected person (even if not directly affected by the order) could report a breach of a FMPO to the police for investigation.

Ending a forced marriage

66. Some forced marriages are legally valid until they are annulled or a divorce is granted by the court. Others are not legally valid but may also need to be annulled. There are strict legal requirements that govern whether a marriage is valid under UK law. The rules for recognising a marriage vary depending on in which country the marriage took place. When considering the validity of a marriage, particularly a marriage that took place overseas, specialist legal advice should be sought. However, agencies should not assume that a marriage is invalid because it was forced, this will most often not be the case.

Question 9 – Do paragraphs 51-66 provide a clear overview of the existing legal framework that can be used to protect victims of forced marriage? – YES, NO, or DON'T KNOW?

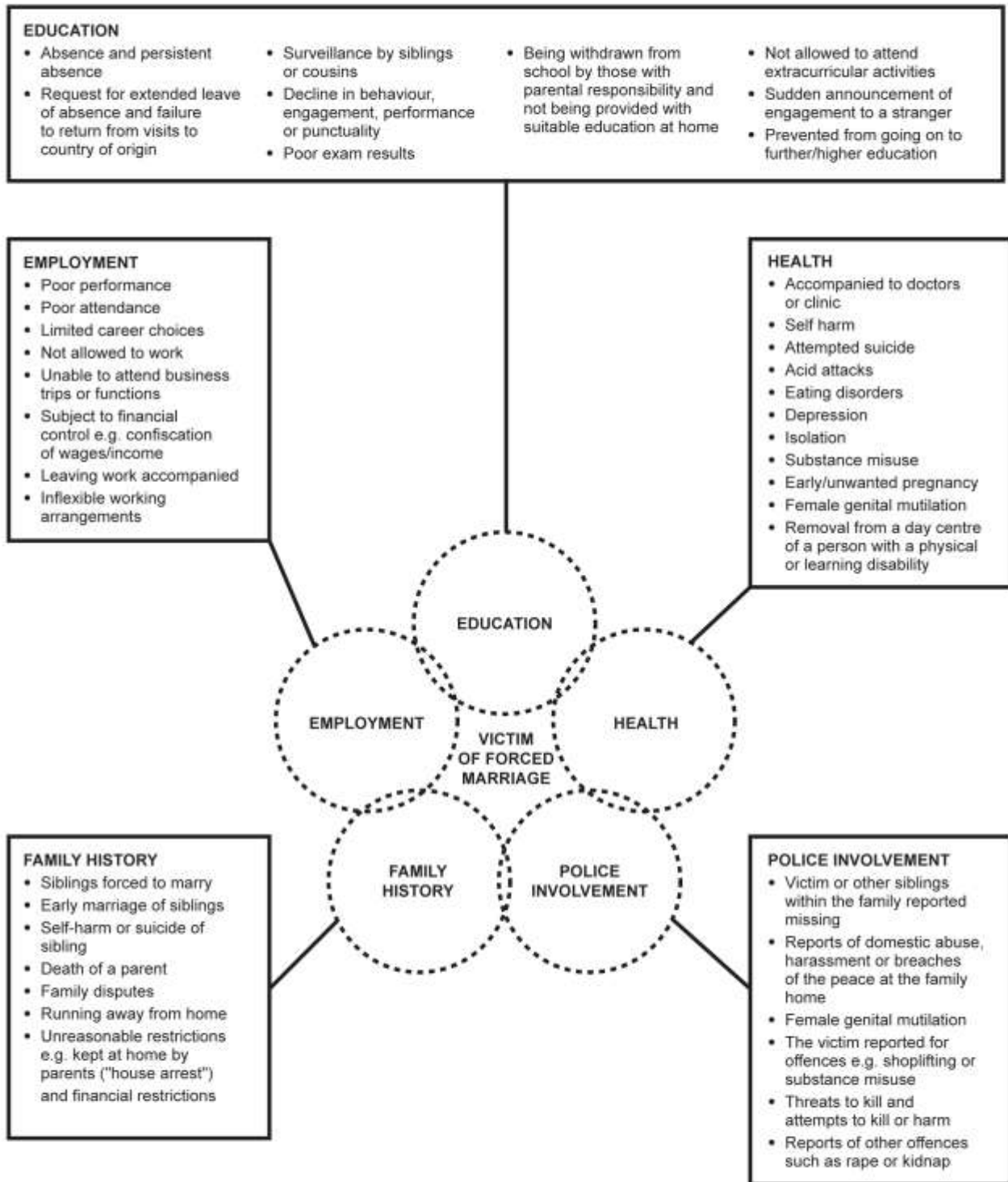
Potential warning signs or indicators

67. Individuals 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 described in the diagram opposite. Whilst the factors set out in this diagram may be, collectively or individually, an indication that someone is facing forced marriage, it should not be assumed that it is forced marriage simply on the basis that someone presents with one or more of these warning signs. These warning signs may indicate other types of abuse that will also require a multi-agency response. These indicators are not meant to be exhaustive.

68. There have been occasions when women have presented with less common warning signs. For example, with hair having been cut or shaved as punishment for disobeying or “dishonouring” her family; or girls being taken to the doctor to be examined to see if they are virgins. Some women have presented with symptoms associated with poisoning.

69. In certain communities, women undergo female genital mutilation (FGM) before being able to marry – usually this is performed during childhood but there have been reports of young women undergoing FGM just before a forced marriage. [FGM is illegal in Scotland](#) as well as in the rest of the UK and it is also a criminal offence to take someone overseas for the purposes of FGM.

CHART 1 - WARNING SIGNS OF A VICTIM OF FORCED MARRIAGE



Question 10 – Do you think Chart 1 accurately reflects the warning signs of a victim of a forced marriage?
 – YES, NO, or DON'T KNOW?

PART TWO

STATUTORY GUIDANCE

Chapter 4

Actions for Chief Executives, Directors and senior managers to whom this guidance is addressed

70. All Chief Executives, Directors and senior managers providing services to victims of forced marriage and honour-based violence need to be aware of the “one chance” rule. That is, their staff may only have one chance to speak to a potential victim and thus, their staff may only have one chance to save a life. This means that all professionals working within statutory agencies need to be aware of their responsibilities and obligations when they come across forced marriage cases. If the victim is allowed to walk out of the door without support, that one chance might be lost.
71. Forced marriage is a form of domestic, child and adult abuse and should be treated as such. Ignoring the needs of victims is not an option. Cases should be tackled regardless of cultural sensitivities, using existing structures, policies and procedures designed to protect children, adults at risk and victims of domestic abuse.
72. Existing strategic bodies should ensure that their member agencies work effectively using agreed policies and procedures to tackle this issue. This includes local strategic partnerships, local Child Protection and Adult Support and Protection Committees and Multi-agency Risk Assessment Conferences.

Senior management commitment

73. Chief Executives, Directors and senior managers should ensure their organisation has:
- A lead person responsible for the issue of forced marriage. This is likely to be the person with overall responsibility for protecting children, adults at risk or victims of domestic abuse⁹
 - Policies and procedures in place to protect those facing forced marriage. The policies and procedures should be in line with existing statutory and non-statutory guidance on protecting children¹⁰, adults¹¹ at risk and victims of domestic abuse¹²

⁹ In schools this would be the designated person dealing with child protection

¹⁰ *The National Guidance for Child Protection in Scotland 2010* which sets a national framework to help shape local practices and procedures in child protection.

¹¹ Adult Support and Protection (Scotland) Act 2007 Code of Practice for local authorities and practitioners exercising functions under Part 1 of the ASP Act.

¹² A Partnership Approach to Tackling Violence Against Women in Scotland: Guidance for Multi-Agency Partnerships, Scottish Government, 2010

- These policies and procedures should form part of an overall child/adult protection strategy
- Policies and procedures that are updated regularly to reflect any structural, departmental and legal changes
- A named person who has responsibility for ensuring that cases of forced marriage are handled, monitored and recorded properly

Question 11 - Is there any other existing statutory and non-statutory guidance that would be useful to include in paragraph 73? – YES, NO, or DON'T KNOW?

Roles and responsibilities

74. Chief Executives, Directors and senior managers should ensure that:

- Their staff understand their role in protecting people under threat of, or already trapped in, a forced marriage
- Their staff are familiar with their duties and responsibilities when protecting individuals threatened with or already in a forced marriage
- Their staff know to whom they should refer cases within their organisation and when to refer cases to other agencies
- Frontline staff dealing with cases of forced marriage have access to, and are strongly recommended to consult, the practice guidelines that will be issued by the Scottish Government by the end of 2011

Clear lines of accountability

75. Chief Executives, Directors, lead officers for adult children's services and senior managers should ensure that:

- There is a designated person within the organisation who is accountable for promoting awareness of forced marriage and a designated individual responsible for developing and updating all policies and procedures associated with forced marriage. This is likely to be the person with overall responsibility for promoting awareness of, and updating policies and procedures concerning the protection of children/adults at risk or victims of domestic abuse
- The designated person is a specialist in domestic abuse, adult protection or child protection with existing experience, expertise and knowledge
- There is a senior specialist who has undertaken additional training who can be approached to discuss and direct difficult cases
- There are clear lines of accountability from the frontline staff to senior management

Victim-centred approach

76. Chief Executives, Directors, lead officers for adult children's services and senior managers should ensure that:

- Victims are listened to and they are able to communicate their needs and wishes
- Victims are given accurate information about their rights and choices
- Victims' wishes are considered about the level of intervention they require
- Staff are aware that relatives, friends, community leaders and neighbours should not be used as interpreters or advocates, as they could be amongst the perpetrators of the forced marriage – despite any reassurances from this known person. If it is appropriate to use an advocate then an independent advocate should be sourced

Effective inter-agency working and information sharing

77. Chief Executives, Directors, lead officers for adult and children's services and senior managers should ensure that:

- There are policies and procedures for organisations to work effectively together to protect people facing forced marriage. These procedures are set out in existing child and adult protection guidance
- The procedures include arrangements for sharing information and making referrals including, where appropriate, with the police, social work, health and the UK Government's Forced Marriage Unit
- Staff understand the importance of sharing information with other agencies at the earliest opportunity
- Staff 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
- Local Child Protection Committees and Multi-Agency Adult Protection Committees are likely to take a lead role in developing policies and procedures for inter-agency working and information sharing to protect adults and children from harm

Confidentiality

78. A dilemma may occur because an individual facing forced marriage may be concerned that if confidentiality is breached and their family finds out that they have sought help they will be in serious danger. On the other hand, those facing forced marriage are often already facing serious danger because of domestic abuse, "honour-based" violence, rape, abduction etc. Therefore, in order to protect the individual, consideration should always be given to sharing information with other agencies such as the police.

79. Consequently, confidentiality, privacy¹³ and information sharing are extremely important for anyone threatened with, or already in, a forced marriage. Professionals need to be clear about when confidentiality can be offered and when information given in confidence should be shared.

80. Chief Executives, Directors and senior managers should ensure that:

- Staff understand that the individual's confidence and privacy should be respected at all times and that they should not approach family, friends or members of the community without the express permission of the individual as this may place the individual at risk of harm
- All records belonging to individuals facing forced marriage should be kept secure to prevent unauthorised access by those within the broader community who may potentially pass on confidential information to a victim's family
- Records should only be available to those directly dealing with the case

Question 12 – Are paragraphs 78-80 clear on the importance of confidentiality and privacy when supporting victims of forced marriage? – YES, NO, or DON'T KNOW?

Staff training and awareness raising

81. Chief Executives, Directors and senior managers should ensure that:

- Suitable training and awareness raising is incorporated into existing training within agencies to ensure frontline staff are aware of the issues and know how to respond quickly and appropriately to individuals threatened with, or already in, a forced marriage
- Staff receive updates on the issues surrounding forced marriage and honour-based violence within their existing training on domestic abuse and child/adult protection
- Existing work on social cohesion, equality and community outreach programmes should be used to raise general awareness of forced marriage and the help and support available within the local community

Question 13 – Are you aware of any existing training materials that would be helpful to include in this guidance? – YES, NO, or DON'T KNOW?

Monitoring and evaluation

82. In line with existing guidance for protecting children and adults at risk, all agencies should monitor and evaluate the effectiveness of their response to forced marriage.

¹³ As well as ensuring confidentiality it is important to ensure that the victim's security is safeguarded, e.g. they are not left waiting in public places where they could be seen by family members or acquaintances.

83. This should include data collection such as the number of cases supported, the source of referrals, details about the individual involved such as their age, ethnicity and gender, together with information about the outcome of the case. This data should be used to inform and improve the response to cases of forced marriage within organisations more effectively as well as giving a clearer indication of the prevalence of forced marriage. Organisations should use and, if required, adapt their existing data collection systems to capture information on cases of forced marriage.

Question 14 – Do you think paragraph 83 sufficiently covers the type of information to include in data collection? – YES, NO, or DON'T KNOW?

Question 15 – Can existing mechanisms for monitoring and evaluating child protection, adult protection and gender based violence¹⁴ (including domestic abuse) be used to monitor and evaluate cases of abuse associated with forced marriage? – YES, NO, or DON'T KNOW?

Record keeping

84. Chief Executives, Directors and senior managers should ensure that:
- Staff keep clear, concise records of all actions taken and the reasons why particular actions were taken. There should be a recorded agreement of which agency is to undertake each proposed action together with the outcome of each action
 - If no further action is to be taken, this should be clearly documented together with the reasons

Risk assessment

85. Chief Executives, Directors and senior managers should ensure that:
- Staff within the organisation understand the risks facing victims of forced marriage, their siblings and other family members – including the possibility of “honour-based” violence, threats to kill, murder, kidnap, rape, imprisonment and being abducted overseas
 - Staff alleviate these risks by undertaking ongoing risk assessments on a case-by-case basis, feeding into multi-agency risk assessment structures to manage any risks identified appropriately
 - Their organisational risk assessments are evaluated to ensure that they are appropriate for handling cases of forced marriage – and recognise the potential risk of harm to victims and practitioners
 - For children, the *Getting it right* assessment framework should be used to assess the risks (See paragraphs 95-96)

¹⁴ Gender-based violence encompasses the spectrum of abuse experienced disproportionately by women and perpetrated predominantly by men i.e. domestic abuse, rape and sexual assault, childhood sexual abuse, sexual harassment, stalking, commercial sexual exploitation, and harmful traditional practices such as female genital mutilation (FGM), forced marriage and so-called „honour” crimes.

Question 16 – Are existing adult and child protection risk assessment models used by statutory agencies sufficient for assessing risk in cases of forced marriage? – YES, NO, or DON'T KNOW?

The danger of family counselling, mediation, arbitration and reconciliation

86. Due to the nature of forced marriage and honour-based violence, some of the underlying principles and themes within existing guidance may inadvertently place young people and adults at greater risk of harm. This includes the belief that the best place for them is with their family and the practice of attempting to resolve cases through family counselling, mediation, arbitration and reconciliation.

87. Chief Executives, Directors and senior managers should ensure that:

- Staff have adequate training to understand the danger of family counselling, mediation, arbitration and reconciliation in forced marriage cases or where the possibility of forced marriage is a concern
- Staff understand that in cases of forced marriage, it is important that agencies do not initiate, encourage or facilitate family counselling, mediation, arbitration or reconciliation. Mediation can also place the individual at risk of further emotional and physical abuse
- Staff are aware that, on occasions when an individual insists on meeting with their parents, such a meeting should only take place in a safe location, supervised by a trained/specialist professional with an authorised accredited interpreter present (not from the same local community), as parents sometimes threaten the individual in their other language
- Staff are aware that allowing a victim to have unsupervised contact with their family is extremely risky. Families may use the opportunity to subject the victim to extreme physical or mental duress or take them overseas regardless of any protective measures that are in place

Question 17 – Do paragraphs 86-87 adequately cover the dangers of family counselling, mediation, arbitration and reconciliation? – YES, NO, or DON'T KNOW?

Question 18 - Do the “Actions for Chief Executives, Directors and senior managers” outlined in chapter 4 adequately cover all key areas where agencies should have statutory guidance? – YES, NO, or DON'T KNOW?

Protecting children and adults with disabilities

88. There have been reports of children and adults at risk with mental health needs, learning and physical disabilities being forced to marry¹⁵.

¹⁵ Forced Marriage and Learning Disabilities – Multi-Agency Guidelines Forced Marriage Unit (2010)

In the case of children, The law in is straightforward; children do not have capacity to consent to marriage, irrespective of any disability.

89. Some adults at risk do not have the capacity to consent to the marriage and may be unable to consent to consummate the marriage – sexual intercourse without consent is rape. There are various offences under the [Sexual Offences \(Scotland\) Act 2009](#) that can be committed against a person with a mental disorder.
90. Disabled children and some adults who may be at risk of harm could be vulnerable to forced marriage and its consequences because they may be reliant on their families for care, they may have communication difficulties and they may have fewer opportunities to tell anyone outside the family about what is happening to them.
91. Many of the measures for protecting disabled children and adults who may be at risk from forced marriage are the same as those for children and adults without disabilities. However, disabled children and adults at risk may have particular needs and face challenges which may be substantially different from those encountered by other people facing forced marriage.
92. Chief Executives, Directors and senior managers should ensure that disabled children and adults who may be at risk of harm receive whatever additional assistance and support they require. Good practice in relation to this assistance and support includes:
 - Listening to disabled children/adults who may be at risk of harm and making sure they know how to raise concerns
 - Meeting the care and support needs of the disabled child/adult who may be at risk
 - Ensuring disabled children/adults who may be at risk have access to adults outside the family to whom they can turn for help
 - Providing speech and language therapists, providing alternative and augmentative communication aids and providing British Sign Language translators or other appropriate support needs to facilitate communication
 - Providing training and raising awareness about forced marriage amongst staff that care for disabled children or adults who may be at risk of harm
 - Providing an Independent Advocate in cases where the victim lacks mental capacity mental illness – so their needs and wishes are understood and communicated

Question 19 – In paragraphs 88-92, is there sufficient information on how to protect children and adults with disabilities? – YES, NO, or DON'T KNOW?

Chapter 5

Specific issues to be considered by agencies working with, or providing services to, children and young people facing forced marriage

Existing multi-agency guidance about children and young people

93. There is existing multi-agency statutory and non-statutory guidance for protecting children. This includes the Guide to Implementing *Getting it right for every child*, published in 2010, and its supporting briefings¹⁶ which are key documents for people at all levels who are involved in improving outcomes for children and young people.
94. The *Getting it right* guidance sets out: the role of the Named Person to take initial action if a child needs extra help; the role of the Lead Professional to co-ordinate multi-agency planning where necessary; how to identify, record and share concerns; using the My World Triangle to assess the strengths and pressures in all aspects of a child or young person's life; the use of the Resilience Matrix and the Child's Plan; and the contribution of *Getting it right* to the Children's Hearings System.
95. The new [National Guidance for Child Protection in Scotland](#) was published in December 2010. It gives a national framework to help shape local practices and procedures in child protection. It is based on the principles of *Getting it right for every child* by focusing on putting the child at the centre and better outcomes for children in need of protection at the earliest possible stage. It includes key messages for practitioners on cases of forced marriage.

The danger of involving the family and the community

96. One of the underpinning principles of *Getting it right* is the involvement of the child's or young person's family wherever possible. However, in cases of forced marriage, involvement may increase the risk of significant harm to the child or young person as the family may deny that the child or young person is being forced to marry and they may expedite any travel arrangements and bring forward the marriage. Efforts should be made to ensure that families are not alerted to a concern that may result in them removing the child or young person from the country or placing them in further danger.
97. The primary principle of *Getting it right* is to act in the best interests of the child and young person. Child protection guidance states that

¹⁶ <http://www.scotland.gov.uk/Topics/People/Young-People/childrenservices/girfec/publications/practicebriefings>

discussion with family and the family's agreement to refer to local authority children and families social work should only be done where such discussion and agreement-seeking will not place a child at increased risk of significant harm. **Consequently, agencies should not approach or involve families if forced marriage is suspected.**

98. Children's Hearings are independent tribunals which operate under the Children's Hearings (Scotland) Rules 1996. Under rule 9, the Principal Reporter may withhold information relating to the whereabouts of the child. For example, if a child is kept in a place of safety, that address may not be disclosed to persons where disclosure would risk serious harm to the child.
99. The Children's Hearings (Scotland) Rules 1996, rule 12 provides a power for the hearing to exclude relevant persons (or a father of the child as defined under rule 5(3)(b)) or their representatives from attending any parts of the hearing for so long as is necessary in the interests of the child in order to obtain the views of the child where the presence of such a person may cause or is likely to cause significant distress to the child. This power must, however, be exercised with caution, balancing the rights of the relevant persons to attend the hearing against the needs of the child to express a view. Current practice allows for a single hearing to achieve this by allowing a child and relevant person to attend separately where risk is identified as above.
100. In care proceedings, local authorities are required to demonstrate to the court that they have considered family members and friends as potential carers at each stage of their decision-making. However, in cases of forced marriage, professionals should exercise extreme caution in how they evidence this, and consider carefully whether, for example, family group conferences are appropriate in these cases (see paragraph 78–79 – The danger of family counselling, mediation, arbitration and reconciliation).
101. Ideally, family group conferences should not be used in cases where a young person is at risk of forced marriage because of the physical danger and potential emotional manipulation they may experience during this type of session with their parents and other members of their family or community.
102. There must not be any burden on the child or young person to agree to a family conference.
103. Chief Executives, Directors and senior managers should ensure that staff have appropriate training in order to:
 - Understand the danger of involving the family and the community in cases of forced marriage
 - Recognise that they should not approach or involve families if forced marriage is suspected
 - Understand that family group conferences are not normally appropriate in cases of forced marriage because it often places the child or young person at greater risk of harm

Question 20 - Does the guidance in paragraphs 96-102 provide practitioners with clear instructions on the dangers of involving families and communities in cases of young people facing forced marriage? – YES, NO, or DON'T KNOW?

Getting it right for every child

104. [Getting it right for every child](#) is the national programme that aims to improve outcomes for all children and young people in Scotland. It seeks to do this by providing a framework for all services and agencies working with children and families to deliver a co-ordinated approach which is appropriate, proportionate and timely.
105. However an assessment may not highlight any problems concerning some children and young people facing forced marriage. They often come from very loving families where the parents' capacity to provide safety, emotional warmth and stability is excellent.
106. The children are often high achievers at school, their health is good, they are well integrated into the local community and have good relations with the wider family – they may not exhibit the warning signs described on page 24-25.
107. Therefore, professionals working with children and young people facing forced marriage require additional training in assessing families to identify those where forced marriage may be an issue. The *Getting it right* Principles and Values state that professionals should work in partnership with families whilst promoting opportunities and valuing diversity amongst children and young people. However practitioners must be clear that child abuse cannot be condoned for any perceived religious or cultural reasons.
108. Chief Executives, Directors and senior managers should ensure that:
- Staff have appropriate training in order to enable them to effectively assess children and young people facing forced marriage using *Getting it right* Assessment Framework.

Question 21 - Would the existing *Getting it right* Assessment Framework (paragraphs 93-94) enable practitioners to assess children and young people at risk of forced marriage?– YES, NO, or DON'T KNOW?

Protecting children and young people from harm by sharing information or to prevent a crime being committed

109. Although there is no specific offence of “forcing someone to marry”, criminal offences may nevertheless be committed. Perpetrators – usually parents or family members – could be prosecuted for offences including, assault, kidnap, abduction, threats to kill, and murder. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage.
110. Child protection guidance says social work staff should always confer with police officers when they believe a response under child protection may be required, ensuring that the police are in a position to consider carefully their role in investigating any crimes against children.
111. Chief Executives, Directors and senior managers should ensure that:
- Forced marriage is automatically handled as a child protection issue
 - Staff have appropriate training in order to understand the importance of sharing information with other agencies at the earliest opportunity to protect children and young people from significant harm or to prevent a crime being committed
 - Staff share information promptly when a child or young person is at risk of forced marriage
 - Staff provide information to the Forced Marriage Unit
 - Staff understand the difference between breaking confidence (involving the child or young person’s family without consent) and sharing information with, or without consent with other appropriate professionals, to prevent the child or young person being at risk of significant harm

Immediate protection

112. Ideally, professionals should discuss cases of forced marriage with, and seek advice from, a designated professional or another statutory agency; however, there may be occasions when immediate emergency action is necessary to protect a child or young person from being forced to marry or abducted e.g. police protection or emergency protection orders. In this case, a strategy discussion should take place as soon as possible after the immediate protection to plan the next steps.
113. Chief Executives, Directors and senior managers should ensure that staff have appropriate training in order to:
- Recognise the importance and relevance of immediate protection
 - Recognise the risk to other siblings in the household who might also be threatened with, or already in, a forced marriage
 - 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)

- 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

Question 22 – In cases of forced marriage, are paragraphs 109-111 explicit enough about the importance of sharing information between agencies? – YES, NO, or DON'T KNOW?

Question 23 – Are paragraphs 112-113 clear on the need to recognise immediate emergency action to protect some children and young people facing forced marriage? – YES, NO, or DON'T KNOW?

Question 24 - In chapter 5, are paragraphs 103, 108, 111 and 113 clear on what Chief Executives, Directors and senior managers should ensure to protect children and young people facing forced marriage? – YES, NO, or DON'T KNOW?

Chapter 6

Specific issues to be considered by agencies working with, or providing services to, adults and adults at risk

Existing multi-agency guidance concerning adults

114. There are existing multi-agency policies and procedures to protect adults at risk of harm. These have been developed at a local level by the Adult Protection Committee whose membership includes, local authority staff, NHS, Police and other agencies. There is also legislation which exists to help and support adults at risk:

- the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#)
- the [Adults with Incapacity \(Scotland\) Act 2000](#)
- the [Adult Support and Protection \(Scotland\) Act 2007](#)

115. The [Adult Support and Protection \(Scotland\) Act 2007](#) sets out the roles and responsibilities of all agencies involved in protecting adults at risk and is the main point of reference for Adult Protection Committees. Each local Adult Protection Committee is responsible for developing its own guidance and training using the [Adult Protection Code of Practice](#). This code of practice fulfils the obligation placed on Scottish Ministers by Section 48 of the 2007 Act, to prepare a code of practice containing guidance about the performance of functions by councils and their officers and health professionals under the Act.

116. It provides information and guidance on the principles of the Act, about the measures contained within it, including when and where it would normally be appropriate to use such powers. The code should be used in conjunction with other relevant codes of practice as appropriate, such as the codes of practice for the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#), the Adults with Incapacity (Scotland) Act 2000 and the code of practice for Social Service Workers and Employers of Social Service Workers.

117. Section 3(1) of the 2007 Act defines “adults at risk” as adults who:

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

118. The presence of a particular condition does not automatically mean an adult is an “adult at risk”. Someone could have a disability but be able to safeguard their well-being. All three elements of this

definition must be met. It is the whole of an adult's particular circumstances which can combine to make them more vulnerable to harm than others. **If an adult passes the 3 point test of an adult at risk of harm, then the local authority has a duty to inquire into their well-being.**

119. Health practitioners will be familiar with the Chief Executive's letter (CEL) 41 [Gender Based Violence Action Plan](#) for Health Boards which sets out the steps that should be taken to improve the identification and management of gender-based violence across NHS Scotland¹⁷.
120. The document [Safer Lives: Changed Lives](#) establishes the Scottish Government's intention to take an inclusive approach to a wide range of connected issues on violence against women with the key objectives of preventing and reducing violence against women. This approach has strategic and operational consequences for Scotland's Violence Against Women Multi-Agency Partnerships (MAPs).
121. MAPs have responsibility for the implementation of *Safer Lives: Changed Lives* in local areas, bringing services together that have an interest in or responsibility for work to address men's violence against women. The intention is that action to tackle violence against women is integral to the core activities of local agencies and structures such as community planning partnerships. The purpose of [A Partnership Approach to Tackling Violence Against Women in Scotland: Guidance for Multi-Agency Partnerships](#) is to support all MAPs to work consistently with the government's strategic direction and to develop effective local strategies and activities to tackle violence against women in all its forms.
122. The guidance helps MAPs assess where they are and what they need to do to progress their work to address the broad spectrum of violence against women within the outcomes environment. It does not prescribe what MAPs should do locally, but sets out a recommended approach for focusing activity and broad principles about how to contribute to the national agenda while allowing for local flexibility.
123. Forced marriage should be seen in the context of domestic abuse and, in the case of adults at risk, adult protection. Agencies should adhere to the good practice set out in the policies and procedures concerned with domestic abuse and adults at risk as the most effective way to tackle forced marriage. The guidance in this section is not intended to replace existing guidance but instead, it addresses some of the particular issues concerning adults at risk of being threatened with, or already in, a forced marriage.

¹⁷ Further resources including the booklet – *Harmful Traditional Practices – What health workers need to know about gender-based violence* is available here:
<http://www.gbv.scot.nhs.uk/index.php/resources>

The danger of involving the family and the community

124. Involving families in cases of forced marriage may increase the risk of serious harm to an individual. The family may deny that the individual is being forced to marry and they may expedite any travel arrangements and bring forward the wedding.
125. Chief Executives, Directors and senior managers should ensure that staff receive the appropriate training in order to:
- Understand the danger of involving the family and the community in cases of forced marriage
 - Recognise that discussion with the family or any type of family involvement often places the vulnerable adult at greater risk of harm

Protecting adults at risk by sharing information when a crime may have been, or may be, committed

126. Although there is no specific offence of “forcing someone to marry”, criminal offences may, nevertheless, be committed. Perpetrators – usually parents or family members – could be prosecuted for offences including assault, kidnap, plagium, threats to kill, abduction and murder. Sexual intercourse without consent is rape, regardless of whether this occurs within a marriage.
127. The [Adult Support and Protection \(Scotland\) Act 2007](#) states that a council must make inquiries about a person’s well-being, property or financial affairs if it knows or believes –
- (a) that the person is an adult at risk and
 - (b) that it might need to intervene (by performing functions under the Act) in order to protect the person’s well-being, property or financial affairs.

However, if the person is not an adult at risk in terms of the definition of the [Adult Support and Protection \(Scotland\) Act 2007](#), the [Mental Health \(Care and Treatment\) \(Scotland\) Act 2003](#) and [Adults with Incapacity \(Scotland\) Act 2000](#) may be able to support and protect the person.

128. Chief Executives, Directors and senior managers should ensure that staff receive the appropriate training in order to:
- Recognise the importance of sharing information with other agencies at the earliest opportunity
 - Understand the difference between breaking confidence (involving a vulnerable adult’s family without consent) and sharing information with other professionals to prevent a vulnerable adult being at risk of significant harm

Question 25 – Do paragraphs 114 – 123 effectively cover existing statutory and non-statutory multi-agency guidance to protect adults and adults at risk of harm in Scotland? – YES, NO, or DON’T KNOW?

Question 26 – Can the guidance in paragraphs 114-123 be used effectively by practitioners to assess adults and adults at risk of harm who are facing forced marriage? – YES, NO, or DON'T KNOW?

Business Regulatory Impact Assessment

129. The following questions will help the Government develop a Business Regulatory Impact Assessment (BRIA) for the forced marriage statutory guidance. A [BRIA](#) was also completed for the Forced Marriage etc. (Protection and Jurisdiction)(Scotland) Bill.

Question 27 – Will there be any resource issues for organisations to meet the obligations outlined within this forced marriage statutory guidance? – YES, NO, or DON'T KNOW?

Question 28 – Can the impact of any resources issues be quantified using existing costing structures? – YES, NO, or DON'T KNOW?

Question 29 – To help with the development of a Business Regulatory Impact Assessment for this forced marriage statutory guidance, is there any other information you think is relevant? – YES, NO, or DON'T KNOW?

Equality Impact Assessment

130. An [Equality Impact Assessment](#) was also developed for the Forced Marriage etc. (Protection and Jurisdiction)(Scotland) Bill and this will be reviewed on an ongoing basis as a result of the learning from the implementation of the legislation including the development of the statutory guidance.

General Question

Question 30 – Overall, are there any additional issues that should be addressed in the guidance? – YES, NO, or DON'T KNOW?

Distribution List

Adult Protection Committees
Association of Chief Police Officers in Scotland (ACPOS)
Association of Directors of Education in Scotland
Association of Directors of Social Work
Association of Scottish Police Superintendants
Barnardo's
British Association for Adoption and Fostering
Caledonia Youth
Chartered Institute of Housing Scotland
Chief Constables
Child Health Commissioners
Child Protection Committee Lead Officers
Child Protection Committees Chairs
Children 1st
Children in Scotland
Children's Commissioner for Scotland
Clerk to the Scottish Parliament's Equal Opportunities Committee
Community Health Partnerships
Convention of Scottish Local Authorities
Crown Office and Procurator Fiscal Service
Deafblind Scotland
Domestic Abuse (and Sexual Abuse) Forums
Educational Institute of Scotland (EIS)
Equality and Human Rights Commission
Equality Network
ENABLE
Family Law Association
Forced Marriage Network
Forced Marriage Unit
Gay Men's Health Scotland
Her Majesty's Inspectorate of Education
Learning Teaching Scotland
Local Authority Adult Protection Lead Officers
Local Authority Chief Executives
Local Authority Sexual Health Leads
Men In Mind
Mental Welfare Commission for Scotland
Ministry of Justice
NCH, the children's charity
NHS Board Directors of Public Health
NHS Board Lead Clinicians
NHS Chief Executives
NHS Health Scotland
NHS Sexual Health Strategy Leads
Nursing & Midwifery Council (NMC)
Office of the Public Guardian in Scotland
Respond
RNIB Scotland

RNID Scotland
Royal College for Paediatrics and Child Health (RCPCH) Scotland
Royal College of General Practitioners (RCGP) Scotland
Royal College of Midwifery
Royal College of Nursing
Royal College of Speech and Language Therapists
Schools
Scotland's Colleges
Scottish Children's Reporter Administration
Scottish Consortium for Learning Disabilities
Scottish Council for the Single Homeless
Scottish Federation of Housing Associations
Scottish Members of the European Parliament
Scottish Parliament Information Centre
Scottish Police Federation
Scottish Secondary Teachers' Association
Scottish Throughcare and Aftercare Forum
Scottish Trade Union Congress (STUC)
Scottish Universities
Scottish Women's Aid
Shelter
Society of Local Authority Lawyers & Administrators Scotland (SOLAR)
The Law Society of Scotland
The Fostering Network Scotland
Unison
University of Edinburgh and NSPCC Centre for Learning in Child Protection
Welsh Assembly Government
Who Cares? Scotland

This list is not exhaustive and responses are welcome from anyone with an interest in, or views on, the issues covered by the paper.

Handling your response

We need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** which forms part of the consultation questionnaire enclosed with this consultation paper at Annex C as this will ensure that we treat your response appropriately. If you ask for your response not to be published, we will regard it as confidential, and we will treat it accordingly.

All respondents should be aware that the Scottish Government is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where respondents have given permission for their response to be made public, and after we have checked that they contain no potentially defamatory material, responses will be made available to the public in the Scottish Government Library by 8 August 2011 and on the Scottish Government consultation web pages by 8 August 2011. You can make arrangements to view responses by contacting the SG Library on 0131 244 4552. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us further develop the statutory guidance. We aim to issue a report on this consultation process and revised guidance by the end of 2011.

Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

Name: Lesley Irving, Head of Gender Equality & Violence Against Women Team

Address: Area 2-G(South), Victoria Quay, Edinburgh, EH6 6QQ

E-mail: lesley.irving@scotland.gsi.gov.uk

The Scottish Government Consultation Process

Consultation is an essential and important aspect of Scottish Government working methods. Given the wide-ranging areas of work of the Scottish Government, there are many varied types of consultation. However, in general, Scottish Government consultation exercises aim to provide opportunities for all those who wish to express their opinions on a proposed area of work to do so in ways which will inform and enhance that work.

The Scottish Government encourages consultation that is thorough, effective and appropriate to the issue under consideration and the nature of the target audience. Consultation exercises take account of a wide range of factors, and no two exercises are likely to be the same.

Typically Scottish Government consultations involve a written paper inviting answers to specific questions or more general views about the material presented. Written papers are distributed to organisations and individuals with an interest in the issue, and they are also placed on the Scottish Government web site enabling a wider audience to access the paper and submit their responses. Consultation exercises may also involve seeking views in a number of different ways, such as through public meetings, focus groups or questionnaire exercises.

Copies of all the written responses received to a consultation exercise (except those where the individual or organisation requested confidentiality) are placed in the Scottish Government library at Saughton House, Edinburgh (K Spur, Saughton House, Broomhouse Drive, Edinburgh, EH11 3XD, telephone 0131 244 4565).

All Scottish Government consultation papers and related publications (eg, analysis of response reports) can be accessed at: Scottish Government consultations (<http://www.scotland.gov.uk/consultations>)

The views and suggestions detailed in consultation responses are analysed and used as part of the decision making process, along with a range of other available information and evidence. Depending on the nature of the consultation exercise the responses received may:

- indicate the need for policy development or review
- inform the development of a particular policy
- help decisions to be made between alternative policy proposals
- be used to finalise legislation before it is implemented

Final decisions on the issues under consideration will also take account of a range of other factors, including other available information and research evidence. While details of particular circumstances described in a response to a consultation exercise may usefully inform the policy process, consultation exercises cannot address individual concerns and comments, which should be directed to the relevant public body.

ANNEX C

FORCED MARRIAGE STATUTORY GUIDANCE



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Title Mr Ms Mrs Miss Dr *Please tick as appropriate*

Surname

Forename

2. Postal Address

<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
<input type="text"/>		
Postcode	Phone	Email

3. Permissions - I am responding as...

Individual

/

Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

 Yes No

Consultation Questionnaire

PART ONE: CONTEXT

CHAPTER ONE: BACKGROUND

Question 1:

Is the information provided in paragraphs 1-13 useful for understanding forced marriage and the response by the Scottish and UK Governments to tackle forced marriage? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, why the information in the introduction is not useful? What other information should be included?

CHAPTER TWO: THE STATUS, AUDIENCE AND PURPOSE OF THIS GUIDANCE

Question 2:

Are paragraphs 17-20 specific enough about the intended audience of this guidance? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, why paragraphs 16-20 are not clear? Who else should be included?

Question 3:

Do you think this statutory guidance should include a specific list of all agencies that have responsibilities to protect children, adults and adults at risk of forced marriage? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, why you think a list of agencies should be included? Why you think a list of agencies should not be included?

DEFINITIONS

Question 4:

Are the definitions in paragraphs 25-36 clear? (please tick Yes, No or Don't Know)

Yes No Don't Know

Please provide further comments: for example, what definitions are not clear? What additional information should be provided to make any of the definitions clearer? Are there any definitions missing?

Question 5:

Does the definition of forced marriage accurately cover the behaviours perpetrated in cases of forced marriage which your organisation has dealt with and the types of people who could be affected/supported? YES, NO, or DON'T KNOW? (please tick Yes, No or Don't Know)

Yes No Don't Know

Please provide further comments: for example, does it reflect your experience of dealing with cases involving people with learning disabilities?

CHAPTER THREE: UNDERSTANDING THE ISSUES AROUND FORCED MARRIAGE

Question 6:

Do paragraphs 37-39 accurately identify the key motives that drive parents to force their children to marry? (please tick Yes, No or Don't Know)

Yes No Don't Know

Please provide further comments: for example, what key motives are missing?

Question 7:

Do paragraphs 43-49 effectively outline the possible consequences of forced marriage for the victim? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, what key consequences and information are missing?

Question 8:

Do you think separate guidance should be provided for local authority staff to support them in their role as a relevant third party? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, why you think separate guidance should be provided? Why you think separate guidance should not be provided?

Question 9:

Do paragraphs 51-66 provide a clear overview of the existing legal framework that can be used to protect victims of forced marriage? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, why you think the overview is not clear? What key information is missing?

Question 10:

Do you think chart one (page 24) accurately reflects the warning signs of a victim of forced marriage? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, why is the chart not clear? Under each heading (education, employment, health and police) what warning signs are missing? What additional information should be included?

PART TWO: STATUTORY GUIDANCE

CHAPTER 4: ACTIONS FOR CHIEF EXECUTIVES, DIRECTORS AND SENIOR MANAGERS TO WHOM THIS GUIDANCE IS ADDRESSED

Question 11:

Is there any other existing statutory and non-statutory guidance that would be useful to include in paragraph 73? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, what other existing guidance do you think should be included?

Question 12:

Are paragraphs 78-80 clear on the importance of confidentiality when supporting victims of forced marriage? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, why do you think these paragraphs are not clear? What additional information should be provided to ensure a victims confidentiality is not breached?

Question 13:

Are you aware of any existing training resources that would be helpful to include in this guidance? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, please let us know any training resources that should be included?

Question 14:

Do you think paragraph 83 sufficiently covers the type of information to include in data collection? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, what other information do you think should be collected?

Question 15:

Can existing mechanisms for monitoring and evaluating child protection, adult protection and gender based violence (including domestic abuse) be used to monitor and evaluate cases of abuse associated with forced marriage? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, why existing mechanism for child protection cannot be used? Why existing mechanisms for adult protection cannot be used? Why existing mechanisms for gender based violence, including domestic abuse, cannot be used? What changes could be made to these mechanisms so they can be used?

Question 16:

Are existing adult and child protection risk assessment models used by statutory agencies sufficient for assessing risk in cases of forced marriage? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, why are existing adult protection risk assessment models not sufficient? Why are existing child protection risk assessment models not sufficient? What changes could be made to these models to make them sufficient?

Question 17:

Do paragraphs 86-87 adequately cover the dangers of family counselling, mediation, arbitration and reconciliation? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, what information is missing?

Question 18:

Do the “Actions for Chief Executives, Directors and senior managers” outlined in chapter 4 adequately cover all key areas where agencies should have statutory guidance? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, what actions are missing? What else should Chief Executives, Directors and senior managers ensure?

Question 19:

In paragraphs 88-92, is there sufficient information on how to protect children and adults with disabilities? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, what additional information should be included?

**CHAPTER 5: SPECIFIC ISSUES TO BE CONSIDERED BY AGENCIES
(CHILDREN AND YOUNG PEOPLE)**

Question 20:

Does the guidance in paragraphs 96-102 provide practitioners with clear instructions on the dangers of involving families and communities in cases of young people facing forced marriage? (please tick Yes, No or Don't Know)

Yes No Don't Know

Please provide further comments: for example, how could the dangers be made clearer? What information is missing?

Question 21:

Would the existing *Getting it right* Assessment Framework (paragraphs 93-94) enable practitioners to assess children and young people at risk of forced marriage? (please tick Yes, No or Don't Know)

Yes No Don't Know

Please provide further comments: for example, why do you think the *Getting it right* Assessment Framework could not be used? Do you think the Framework could be used with additional information in the context of Forced Marriage? What additional information would be required?

Question 22:

In cases of forced marriage, are paragraphs 109-111 explicit enough about the importance of sharing information between agencies? (please tick Yes, No or Don't Know)

Yes No Don't Know

Please provide further comments: for example, if these paragraphs are not explicit enough how could they be improved?

Question 23:

Are paragraphs 112-113 clear on the need to recognise immediate emergency action to protect some children and young people facing forced marriage? (please tick Yes, No or Don't Know)

Yes No Don't Know

Please provide further comments: for example, if these paragraphs are not clear enough how could they be improved?

Question 24:

In chapter 5, are paragraphs 103, 108, 111 and 113 clear on what Chief Executives, Directors and senior managers should ensure to protect children and young people facing forced marriage? (please tick Yes, No or Don't Know)

Yes No Don't Know

Please provide further comments: for example, what actions are missing? What else should Chief Executives, Directors and senior managers ensure?

CHAPTER 6: SPECIFIC ISSUES TO BE CONSIDERED BY AGENCIES (ADULTS AND ADULTS AT RISK)

Question 25:

Do paragraphs 114–123 effectively cover existing statutory and non-statutory multi-agency guidance to protect adults and adults at risk of harm in Scotland? (please tick Yes, No or Don't Know)

Yes No Don't Know

Please provide further comments: for example, what existing statutory and non-statutory guidance is missing?

Question 26:

Can the guidance in paragraphs 114-123 be used effectively by practitioners to assess adults and adults at risk of harm who are facing forced marriage? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, why existing guidance cannot be used effectively? Should additional provisions be made in this statutory guidance on forced marriage for adults at risk?

BUSINESS REGULATORY IMPACT ASSESSMENT QUESTIONS

Question 27:

Will there be any resource issues for organisations to meet the obligations outlined within this forced marriage statutory guidance? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, what will these resources issues be? In what areas?

Question 28:

Can the impact of any resources issues be quantified using existing costing structures? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, why can existing costing structures be used? Why can they not be used?

Question 29:

To help with the development of a Business Regulatory Impact Assessment for this forced marriage statutory guidance, is there any other information you think is relevant? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, please provide details on the information you think is relevant.

Question 30:

Overall, are there any additional issues that should be addressed in this forced marriage statutory guidance? *(please tick Yes, No or Don't Know)*

Yes No Don't Know

Please provide further comments: for example, please provide your thoughts on what additional information should be addressed and why?



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