

Children's Services Scrutiny Committee

Meeting to be held on Wednesday, 14 March 2018

Electoral Division affected: All

Forced Marriage

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Executive Summary

This report considers the national and local picture in relation to Forced Marriage.

Recommendation

The Children's Services Scrutiny Committee is requested to:

- i. Note and comment on the information presented;
- ii. Consider the need for an annual update on Forced Marriage to the Committee.

Background and Advice

Definition of Terms

A forced marriage (as distinct from a consensual "arranged" marriage) is defined as one which is conducted without the valid consent of both of the parties and where duress is a factor. Duress includes both physical and emotional pressure and cannot be justified on religious or cultural grounds. Forced marriage is child abuse and can put children and young people at risk of physical, emotional and sexual abuse.

Children's Social Care has a duty to make enquiries into allegations of abuse or neglect against a child under s.47 Children Act 1989 (and where appropriate s.17 of the Act). The Children Act 1989 and the Forced Marriage (Civil Protection) Act 2007 are the legal frameworks we can utilise as a Local Authority to safeguard children and young people at risk of forced marriage.

National Picture

There is a joint Foreign Office and Home Office funded team that supports services and individual within and outside the UK in regards to Forced Marriage. This is the Forced Marriage Protection Unit. Approximately 26% of the enquiries to that service

are for children and young people under the age of 18. In 2016, this equated to 371 cases. The ethnic background of the majority of the cases are from Pakistani and Bangladeshi backgrounds, however there are a large number from other areas such as Africa and the Middle East.

In terms of where cases originate from on a national level, 23% of cases originate from the North West.

There is a reduction in the number of notifications nationally received and this is replicated in the number of applications we have made for orders as a Local Authority.

Local Picture

There are very clear Pan Lancashire policies and procedures in regards to the actions we should take as a Local Authority in respect of Forced Marriage. Since 2016 in Lancashire we have applied for Forced Marriage Protection Orders on 17 children and young people all of which have been agreed by the Court. The majority were for young women. However three were for males, although they were part of a family group.

Forced Marriage Protection Orders are only one part of the legal framework with which we can safeguard these children and young people. The children and young people were also supported through Child In Need plans and Child Protection Plans. If the risks are very high, the children can enter the care of the Local Authority in order to safeguard them. Of the 17 children and young people on whom we sought a Forced Marriage Protection Order, 12 became Children Looked After.

Of the 17 children and young people for whom a Forced Marriage Protection Order was sought, 15 were from the East of the county with two from the Preston area. This would fit in with the demographic makeup of the county.

The Forced Marriage Protection Order it is a powerful safeguarding tool to keep children and young people safe. The orders can be granted to prevent a marriage occurring or, where a forced marriage has already taken place, to offer protective measures. Orders may contain prohibitions (e.g. to stop someone from being taken abroad), restrictions (e.g. to hand over all passports and birth certificates and not to apply for a new passport), requirements (e.g. to reveal the whereabouts of a person or to enable a person to return to the UK within a given timescale) or such other terms as the court thinks appropriate to stop or change the conduct of those who would force the victim into marriage. A power of arrest may be added where violence is threatened.

Forcing someone to marry can result in a sentence of up to 7 years in prison. Disobeying a Forced Marriage Protection Order can result in a sentence of up to 5 years in prison. No cases have been identified in Lancashire where a child or young person subject to the order has been forced into a marriage.

Monitoring of cases

This is monitored via the process that the children and young people are subject to; Child In Need, a Child Protection Plan or a Child Looked After. In addition there is ongoing monitoring through the Police.

In terms of the application for such an order it is not only the Local Authority that can apply; the young person, a family member, the Police or someone the Court views as a relevant party can apply.

The key to successful safeguarding and applications for such orders is joint working with colleagues in health, education and Police, specifically the Hate Crime and Diversity Unit.

Forced marriage cases form a very small percentage of the overall work undertaken in Children's Social care, it is less than 1%.

As an Authority we have clear guidelines and a flow chart that staff can utilise to ensure they fully safeguard and support the children and young people who are referred in due to this issue.

Consultations

N/A

Implications:

N/A

Risk management

This report has no significant risk implications.

Local Government (Access to Information) Act 1985 List of Background Papers

N/A