

Guidance on Forced Marriage

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Introduction and legislative context

In November 2011, the Scottish Government published *Responding to Forced Marriage: Multi-agency practice guidelines*. The primary objective of this guidance is to offer advice and information to all frontline practitioners and volunteers within agencies in Scotland that work to safeguard children and young people against abuse and/or protect adults from abuse.

This guidelines complement the statutory guidance for Chief Executives, directors and senior managers of organisations who could potentially have involvement in dealing with cases of forced marriage, published concurrently by the Scottish Government in line with the provisions of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011.¹

A comparable legislative and guidance framework is in place elsewhere in the UK.

The practice guidelines make specific reference to the role that educational professionals should fulfil in relation to forced marriage.

As a result of these guidelines, the NASUWT has produced this document to highlight the key issues related to forced marriage and to provide advice for school leaders and teachers, including those with designated responsibility for child protection.

Forced marriage – definition

The Scottish Government's guidelines define forced marriage in the following terms:

*'A forced marriage occurs when one or both spouses do not (or, in the case of children and some adults at risk, cannot) consent to the marriage and duress is involved. Duress can include physical, psychological, financial, sexual and emotional pressure'.*²

Forced marriage is more likely to involve women, and an estimated 85% of cases referred to the UK Government's Forced Marriage Unit involve women.

However, both men and women may be vulnerable to forced marriage and should be entitled to the same level of help.

¹ Scottish Government (2011). *Forced Marriage: Statutory Guidance*. Available at: (www.gov.scot/Resource/0041/00412492.pdf); accessed on 03.06.16.

² Ibid.

The Scottish Government guidelines make clear the important distinctions between a forced marriage and an arranged marriage:

*‘An arranged marriage is one in which 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’.*³

The guidelines remind practitioners that *‘ignoring the needs of victims is not an option. Forced marriage affects people from many communities and cultures’.*⁴

Although the majority of forced marriage cases in Scotland involve South Asian families, it is not exclusively a South Asian problem; cases involving families from other European nations, the Middle East and Africa have also been identified.

Forced marriage is an abuse of children’s rights under the UN Convention on the Rights of the Child.

It is also an abuse of the basic human rights of children, young people and adults as set out in the European Convention on Human Rights and is directly contrary to domestic human rights legislation in place in Scotland and elsewhere in the UK.

Forcing an individual to marry or securing a marriage through taking advantage of the lack of understanding of one of the parties of his or her legal rights and entitlements is also a criminal offence in Scotland.

Forced marriages do not always involve individuals leaving or coming to the UK.

The UK Government’s Forced Marriage Unit confirms that a number of cases involve no overseas element.

The Forced Marriage Unit

The Forced Marriage Unit, managed jointly by the Home Office and the Foreign and Commonwealth Office (FCO), works to provide support and develop strategies to prevent British nationals from being forced into marriage overseas. The Unit offers practical help and guidance to affected British nationals and produces resources and materials for organisations and individuals directly or indirectly involved in issues associated with forced marriage.

³ Ibid.

⁴ Ibid.

Characteristics that may indicate forced marriage

While individual cases of forced marriage, and attempted forced marriage, are often very particular, they are likely to share a number of common and important characteristics, including:

- an extended absence from school/college, including truancy;
- a drop in performance or sudden signs of low motivation;
- excessive parental restriction and control of movements;
- a history of siblings leaving education to marry early;
- poor performance, parental control of income and students being allowed only limited career choices;
- evidence of self-harm, treatment for depression, attempted suicide, social isolation, eating disorders or substance abuse; and/or
- evidence of family disputes/conflict, domestic violence/abuse or running away from home.

On their own, these characteristics may not indicate forced marriage. However, it is important to be satisfied that where these behaviours occur, they are not linked to forced marriage. It is also important to avoid making assumptions about an individual pupil's circumstances or act on the basis of stereotyping.

For example, an extended holiday may be taken for entirely legitimate reasons and may not necessarily represent a pretext for forced marriage.

Unfounded accusations could obviously cause considerable distress to pupils and their families and schools should, therefore, act with sensitivity.

Where teachers or headteachers have any concerns about the safety or welfare of an individual pupil, they should follow the appropriate child protection procedures.

The role of schools

Schools should ensure that they are able to respond effectively and swiftly to concerns about forced marriage. It is critical that arrangements in respect of forced marriage at school level include support staff as they are likely to have a key role to play in dealing with forced marriage and will be in contact with pupils and their families as frequently as teachers.

It is important that all members of staff receive training and support on this issue to ensure that they know the presenting symptoms, how to respond if there are concerns and where to turn for advice.

Advice and help can be obtained from the Forced Marriage Unit, Police Scotland, the local Child Protection Committee or the children's social care service of the local authority. Schools should develop policies and procedures that take account of resources locally to ensure that expertise in this complex and challenging area of child protection is utilised. Policies and practices in schools should reflect the fact that while all members of staff, including teachers, have important responsibilities with regard to pupils who may be at risk of forced marriage, teachers and school leaders should not undertake roles in this regard that are most appropriately discharged by other children's services professionals such as police officers or social workers.

The role of school staff

All members of staff should ensure that they are familiar with their school's child protection procedures.

Schools are places of relative calm and security in the lives of many children and young people. There is strong evidence that pupils who experience risk in their home lives often feel safer when they are in school.

Schools should encourage pupils to talk about their problems, and where they express their fears, students should be confident in the knowledge that the school will take those worries seriously.

All schools should have appropriate policies and procedures in place and should train all members of staff to ensure that they are able to deal with concerns appropriately.

The UK Government's guidelines refer to a number of organisations that can be contacted to support students further where there are concerns about the risk of forced marriage.

If teachers have suspicions or are concerned that a pupil may be about to be forced into a marriage or may be a victim of forced marriage, their key responsibility is to inform the person with designated responsibility for child protection in their school as soon as possible.

The UK Government's guidelines on forced marriage make clear that it is not the role of staff to investigate allegations of abuse of a student and, therefore, if pupils are under 18 years of age, all referrals should be made in accordance with local safeguarding arrangements. These referrals will usually be to children's social services, the police or the Forced Marriage Unit.

Handling information from pupils

While teachers and other staff must pass on their concerns about pupils who are displaying characteristics that may indicate forced marriage to the member of staff in their school with designated responsibility for child protection, it is important to recognise that they are not responsible for the collation or assessment of evidence or data to support investigations into suspected cases of forced marriage.

These responsibilities are most appropriately undertaken by children's social care professionals, the police or officials of the Forced Marriage Unit. Any relevant documentation received should be passed on by the school in accordance with established child protection arrangements.

School staff must be aware that they should deal with information relating to forced marriage given by pupils in the same way that they would with other issues concerning child protection. Therefore, teachers should advise that they cannot necessarily guarantee that disclosures made by a student will remain confidential.

Pupils who do not wish to be referred

If the pupil does not wish to be referred, advice can be sought without revealing the pupil's identity. However, it is important for school staff to remember that if information in their possession gives rise to child protection issues, established procedures should be followed.

Mediation or counselling

Under no circumstances should any members of a school's staff attempt to operate as mediators or family counsellors.

The Forced Marriage Unit has stated that any attempts to try to mediate can be extremely dangerous as mediators may unintentionally place pupils who are at risk of forced marriage in greater harm or force the family to act quickly before the relevant authorities can become involved. At all stages, advice from the appropriate agencies and authorities should be taken.

Further information:

Scottish Government (2011).

Forced Marriage – Statutory Guidance.

www.gov.scot/Resource/Doc/1124/0123428.pdf

Scottish Government (2011).

Responding to Forced Marriage: Multi-Agency Practice Guidelines.

www.gov.scot/Resource/0041/00412492.pdf.

There is a range of other resources available in the main forced-marriage portal on the Scottish Government website at:

www.gov.scot/Topics/People/Equality/violence-women/forcedmarriage.

The UK Government Forced Marriage Unit can be contacted by telephone on **020 7008 0151** or by email at fmfco.gov.uk.

Further advice and guidance is available from the NASUWT Scotland Centre by telephone on 0131 226 8480 or by email at rc-scotland@mail.nasuwt.org.uk.

For additional advice and support, contact:



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